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CODE OF  
SANITARY ORDINANCES  
AND LAWS RELATING TO THE  
METROPOLITAN BOARD  
OF HEALTH  
1867.

Surgeon General's Office

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"publications"*

METROPOLITAN BOARD OF HEALTH.

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C O D E

OF

SANITARY ORDINANCES,

AND

*Rules and Sanitary Regulations.*

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1867.  
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1867.



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# METROPOLITAN SANITARY DISTRICT

## OF THE STATE OF NEW YORK.

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At a meeting of the METROPOLITAN BOARD OF HEALTH, held at its office, at No. 301 Mott street, in the city of New York, on the twentieth day of April, 1866,

Said Board made and adopted a "Code of Health Ordinances,"\* and made certain "Sanitary Regulations" (in addition to other regulations), and made and issued several "Orders" and "Rules" (the said orders, rules, and sanitary regulations being the several sections of said Code), and numbered consecutively from section one to section one hundred and sixty-five inclusive; all as the seventy-fourth and six hundred and eighty-sixth chapters of the Laws of 1866, in that behalf provide. And at a meeting of the said Board, held at said place on the eleventh day of July, 1867, the following sections were amended, namely: Sections one, three, four, five, seven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-eight, thirty, thirty-four, thirty-five, thirty-six, thirty-eight, thirty-nine, forty-three, forty-five, forty-six, forty-seven, forty-nine, fifty, fifty-one, fifty-two, fifty-six, fifty-seven, fifty-nine, sixty, sixty-two, sixty-three, sixty-five, sixty-seven, sixty-eight, seventy, seventy-one, seventy-three, seventy-five, seventy-six, seventy-seven, seventy-eight, eighty, eighty-five, eighty-seven, eighty-nine, ninety, ninety-one, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and three, one hundred and seven, one hundred and eight, one hundred and twelve, one hundred and thirteen, one hundred and eighteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-eight,

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\* Chapter 956 of the Laws of 1867, § 10, provides that the "Code of Health Ordinances" shall hereafter be designated as the "Code of Sanitary Ordinances."

one hundred and forty, one hundred and forty-one, one hundred and forty-five, one hundred and forty-six, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-seven, one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, and one hundred and sixty-five; and sections six, eight, nine, ten, eleven, fifty-eight, one hundred and twenty-seven, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-seven, one hundred and fifty, and one hundred and fifty-four were repealed, and three additional sections, numbered sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, were passed; and the following are the sections of said Code as they read after such amendment, repeal, and enactment:

Meaning of terms used herein.

SECTION 1. That the term "District," and "said District," and "this District," whenever used herein, shall be held to mean the "Metropolitan Sanitary District of the State of New York;" that the word "Board," "this Board," and "said Board," shall be held to mean the "Metropolitan Board of Health;" that the words "person," "owner," "tenant," "lessee," "occupant," "contractor," "party," "manager," "Board," and "officer," shall respectively be

To what terms apply.

held to apply to and include, both jointly and severally, each and all owners, part owners, tenants, lessees, occupants, managers, contractors, parties in interest, persons, officers, boards, and corporations, who may sustain the relations, or may be in like position of any one or more thereof referred to in any ordinance or regulation; that every order, ordinance, or regulation declared applicable to the built-up portion of New York or Brooklyn, shall, so far as the subject matter thereof is applicable (save as to interments), and so far as this Board has authority to make the same, be held to include and apply to the built-up portions of every city and village within said District; that every word or phrase anywhere herein defined shall be held to include the same sense

Meaning of "built-up portion."

Meaning of "regulations."

wherever used; that the word "regulations" shall be held to include "special regulations" (which latter will be from time to time issued, and will contain more detailed provisions than can be herein conveniently set forth); that the word "permit" shall be construed to mean the permission in writing of this Board, issued according to its by-laws, rules, and regulations; and that every "report" herein required shall be held to be a report in writing, signed by the person (and indicating his official position) who makes the same; that the word "light," or "lighted," shall be held to refer to natural, external light; and that all words and phrases herein defined shall also include their usual and natural meanings, as well as those herein especially given.

Meaning of "permit," "report," "light."



SEC. 2. That no person shall carelessly or negligently do, or advise, or contribute to the doing of any act or thing dangerous to the life, or detrimental to the health of any human being; nor shall any person knowingly do, or advise, or contribute to the doing of any such act or thing (not actually authorized by law), except with justifiable motives and for adequate reasons; nor shall any person omit to do any act, or to take any precaution, reasonable and proper, to prevent or remove danger or detriment to the life or health of any human being.

Responsibility  
for carelessness,  
negligence, and  
omission.

SEC. 3. That no doctor, druggist, or other person shall make, sell, put up, prepare, or administer any prescription, decoction, or medicine under any deceptive or fraudulent name, direction, or pretence; nor shall any false or deceptive representation be made by any person to any other as to the kind, quality, purpose, or effect of any such or other drug, medicine, decoction, drink, or other article offered or intended to be taken as food or medicine.

Medicines etc.,  
to be under true  
name.

SEC. 4. That no poisonous medicine, decoction, or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use thereof; nor shall any bottle, box, parcel, or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person who the party delivering the same has reason to think intends it for any illegal or improper use or purpose.

Poisons to be  
marked and sold  
by competent  
persons.

SEC. 5. That no person shall make, offer, or have for sale, or keep at any place of sale, any "poisonous, unwholesome, deleterious, or adulterated drugs, medicines, or food," or in respect thereto omit any act or thing required, or do any act forbidden by any law or health regulation of this State applicable in any part of this District.

Poisons and  
adulterations.

SEC. 7. That the Inspectors of this Board, and its proper officers and agents, shall make the inspections and examinations required by law; that the Board of Police do execute and cause to be executed all the orders of this Board, unless the contrary shall be specially ordered, including these orders and the other several orders already and those hereafter to be made; and all persons are hereby forbidden to interfere with or obstruct said inspection, examination, or execution.

Duty of Health  
Inspectors.

Duty of Board of  
Police.

SEC. 12. That no person, officer, or Board within said district (except this Board or its proper officers, and as its regulations shall

Bill of Health.  
N. Y. H. Laws, p.  
41.



Valentine's Laws N. Y., p. 445. provide), shall grant, sign, or deliver any Certificate or "Bill of Health."

Registry of marriages, births, and deaths. Chap. 659, Laws of 1853. Chap. 74, Laws of 1866, §§ 13 and 18.

SEC. 13. That every clergyman, magistrate, and other person who may perform a marriage ceremony, shall make and keep a registry of the marriage celebrated, and therein enter the full names of the parties married, and the residence, age, and condition of each: and every physician, midwife, and other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place, ward, and street number of such birth, and the sex and color of every child born, and the names and residence of each of the parents (so far as the foregoing facts can be ascertained); and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof, and specifying the date, hour, place, and street number of such death.

Report of births, marriages, and deaths to be made.

SEC. 14. That it shall be the duty of every person mentioned in the last section, or required to make or keep any such register, to present to this Board a copy of such register, signed by such person, or a written statement, by him signed, of all the facts in said register required to be entered, within five days after the birth or marriage, and within thirty-six hours after the death of any person to whom such registry may or should relate.

Officers, etc., to report births, deaths, and marriages.

SEC. 15. That every clerk, officer, and person within said District, required by the one hundred and fifty-second (152) chapter of the Laws of 1847, or by the three hundred and eightieth (380) chapter of the Laws of 1864, to make or preserve any entry, registry, record, or certificate, as to births, deaths, or marriages, shall send, or cause to be sent, to this Board, within five days after knowledge of the birth, death, or marriage, a full and true statement in writing, containing all the particulars in respect thereto (so far as reasonably ascertainable), which, in any other section hereof, are required to be stated by any person relative to any birth, death, or marriage.

SEC. 16. That every person therein referred to shall perform the acts required in the following provisions of the section 13 of chapter 74 of the Laws of 1866, to wit:

Whose duty to report deaths and births.

"It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her

“death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said District (and if there be no parent alive that has made such report, then of the next of kin of such child born), and of every person present at such birth, within five days after such birth or death, to report to said Board in writing, so far as known, the date, ward, and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity, last occupation, and cause of death of such deceased person, and the ward and street, and place of such person’s death and last residence.”

SEC. 17. At least two hours before the holding of any inquest, within the counties of New York or Kings, upon a dead body, the coroner who has been notified of any death, or who may propose or intend to hold such inquest, shall transmit and cause to be delivered to the Sanitary Superintendent a written notice containing the following facts, so far as known or reported to any such coroner:

1. The fact of any such call for the holding of an inquest, and by whom made, and when and from whom received by the coroner. What report to contain.
2. The place (giving the street and street number, and if there be none, then other particulars) where the body is.
3. What is reported to be the cause of the death.
4. When and where the death took place, and where the body has since been.
5. When and where he proposes to hold the inquest, giving the street, the street number, and the hour.
6. What physician, or physicians, or other professional person last attended such deceased person, or attended such person within forty-eight hours of such decease.

And all such returns, reports, and notices in and for the County of Kings, shall be made or given to the Assistant Sanitary Superintendent in Brooklyn. Reports in Kings county.

At any time after the commencement of any inquest, the coroner holding, or who should hold, or who held such inquest, shall within twelve hours after the receipt of a written request so to do from the Sanitary Superintendent, or in Brooklyn the Assistant Sanitary Superintendent, answer in writing such of the following or such other questions as may be propounded to him by the Superintendent or Assistant Superintendent, to the best of his knowledge, information, and belief. Further facts on request.

Form of report.

Report of Coroner [*here insert coroner's name*] upon the body of [*here fill in name or description of deceased*], on the [*here fill in year, month, and day*], at [*here mention street number and city*].

1. What was the age, sex, and last occupation, residence, and nativity of such deceased person?

2. At what house or place, and in or near what street or avenue, at what number therein, did such deceased person die?

3. If such person died of any poison, when and where was the same administered, and what was the kind of poison?

4. If such person died of violence, when and where was the same committed, and upon what part of the body and organs, and of what did it consist?

5. If such person died of any other cause, state such cause, and when and where the cause took effect upon, or was received by the deceased?

6. Who was last in care of or with such deceased person, and at what place and at what time before death, and when, giving the full name and residence of each such person?

7. What was the name and residence of the physician and persons who last attended, and of each physician and person who within forty-eight hours of such death attended upon such deceased person, and where did he so attend; and whether said physician was notified, or attended and was examined at such inquest?

8. The times, places, and dates of holding the inquest, and the names and residences by street number of the jurors and witnesses that attended, and dates of their attendance, and when and where the body of the deceased was present at such inquest?

9. Was any *post-mortem* examination made, and if so, when, where, and by whom, and who was present thereat?

Return of inquisition to be made by all coroners.

It shall be the duty of all coroners in said District to make return to this Board of all inquisitions by them taken, except when, by law, such inquests are required to be filed elsewhere, and such return shall include the evidence taken on such inquest, and the verdict of the jury, and the full names and residences of the several jurymen

Copy of inquisition in cases of homicide, etc.

And in all cases where the inquest may be required by law to be filed elsewhere, such coroner shall make return to this Board of a copy of such inquest, including a copy of such evidence and verdict; and all such returns shall be made within forty-eight hours after the holding of any and every inquest.



SEC. 18. That it shall be the duty of every person who has discovered or seen the body of a dead human being, or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body, or part thereof, is not publicly known), to immediately communicate to this Board the fact of such discovery of such body, the place where and time when the same was discovered or seen, and where the same is or may be found, and any facts known by which said body may be identified, or the cause of death ascertained.

SEC. 19. That the word "physician" shall include dentists, and every other person who practices about the cure of the sick or injured, or who has the charge of, or professionally prescribes for, any person sick, injured, or diseased; that the phrase "contagious disease" shall be held to include all persons sick, affected, or attacked by or of a disease of an infectious, contagious, or pestilential nature (more especially, however, referring to the cholera, yellow fever, small-pox, diphtheria, ship, or typhus, typhoid, spotted, and scarlet fevers), but also including any new disease of an infectious, contagious, or pestilential nature, and also any other disease publicly declared by this Board dangerous to the public health; and every physician in said District shall at all times cause his or her name, office, and residence, and also his or her kind and class of practice, to be registered with this Board, and in a manner according to its regulations.

SEC. 20. That every physician shall report to this Board in writing every person (and the state of his or her disease, and his or her place of dwelling and name, if known) which such physician has prescribed for, or attended for the first time, having a contagious disease, during any part of the preceding twenty-four hours; but not more than two reports shall be required in one week concerning the same person; but every attending or practicing physician thereat must, at his peril, see that such report is or has been made by some attending physician.

SEC. 21. That every keeper of any boarding-house or lodging-house, and every inn-keeper and hotel-keeper, shall, within twenty-four hours, report in writing to this Board the same particulars in the last section required of any physician concerning any person being at any of the aforesaid houses or hotels, and attacked with any contagious disease.

SEC. 22. That the commissioners, managers, principal, or other proper head officer of each and every public or private institution in

Dead body to be reported.<sup>4</sup>

Meaning of "physician."  
Laws 1863, Ch. 358, § 11.  
Laws 1850, Ch. 275, tit. 3, § 34.  
Laws 1887, Ch. 956, § 3.

Meaning of "contagious disease."

Physicians to report names and address.

Physicians to report persons sick with contagious diseases.  
H. Laws N. Y., p. 35.  
Brooklyn Laws, p. 122, § 5.

Hotel-keepers, etc., to report.  
H. Laws N. Y., pp. 35, 36.

Institutions to report.  
H. Bill, § 24.

said District shall twice in each week report in writing (or cause such report by some proper and competent person to be made twice in each week) to this Board, and state therein the name, if known, and condition, and disease of any and every person being thereat, and sick of any contagious disease.

Masters of ves-  
sels to report.  
H. Laws N. Y., p.  
36, § 12.

SEC. 23. That the master, chief officer, and consignee, or one of them, of every vessel, not being in quarantine, or within quarantine limits, but being within one-fourth of a mile of any dock, wharf, pier, or building in any city, village, or town in said district, shall daily report to this Board, or cause to be reported, in writing, the particulars, and shall therein state the name, disease, and condition of any person being in or on such vessel, and sick of any contagious disease.

Duty to report  
persons sick of  
contagious dis-  
eases.  
H. Laws N. Y., p.  
59.

SEC. 24. That it shall be the duty of every person knowing of any individual in said District sick of any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for, to avoid giving said disease to others), and the duty of every physician hearing of any such sick person, who he shall have reason to think requires the attention of this Board, to at once report the facts to this Board in regard to the disease, condition, and dwelling-place or position of such sick person.

Persons sick of  
contagious dis-  
eases not to be  
removed or ex-  
posed.  
H. Laws N. Y.,  
pp. 32, 33, 34.

SEC. 25. That no person shall, within the built-up portions of any city or village, without a permit from this Board, carry or remove from one building to any other, or from any vessel to the shore, any person sick of any contagious disease, except that, outside of the built-up portions of the cities of New York or Brooklyn, such removal from any building may be made pursuant to the written consent of a physician in regular practice, or of an inspector of this Board. Nor shall any person, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause or contribute to or endanger the spread of disease from any such person or from any dead body.

No person sick of  
contagious dis-  
ease to be re-  
moved from ves-  
sels.  
Laws Brooklyn,  
pp. 122, 123.  
H. Laws N. Y., p.  
36.

SEC. 26. That no captain, officer, consignee, owner, or other person in charge of any vessel (or having right and authority to prevent the same) shall remove or aid in removing from any vessel to the shore (save as legally authorized by the Health Officer of the port of New York, and into quarantine grounds or building only) any person sick of, or person that has been exposed to and is liable very soon to

develop any contagious disease, nor so remove or aid in removing any articles that have been exposed to the contagion of any such disease, except in accordance with a permit of this Board, or with its special regulations.

Nor articles exposed to contagion.

SEC. 27. That the keeper, lessees, tenants, and owners of every boarding-house and lodging-house shall, within six hours after the fact shall come to his or her or their knowledge, notify this Board in writing of the fact of any seafaring man or person lately from any vessel being taken sick at such house, and shall in such notice state where such sick person may be found, and from what vessel, and when he came, to the best of the knowledge of the person giving such notice.

Boarding and lodging-house keepers to report sick persons. Laws Brooklyn, p. 122, § 6. H. Laws N. Y., pp. 35, 36.

SEC. 28. That no parent, master, or custodian of any child or minor (having power and authority to prevent) shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any other person, to the taking or to the infection of any contagious disease.

Children and minors not to be exposed to disease. H. Laws N. Y., p. 31, § 5.

SEC. 29. That every person, being the parent or guardian, or having the care, custody, or control of any minor or other individual, shall (to the extent of any means, power, and authority of said parent, guardian, or other person, that could properly be used or exerted for such purpose) cause and procure such minor or individual to be so promptly, frequently, and effectively vaccinated, that such minor or individual shall not take, or be liable to take the small-pox.

Obligation to vaccinate. H. Bill, § 16.

SEC. 30. That the Health Officer of the Port of New York, his assistants and deputies, shall at all times keep this Board informed, by weekly written reports, of the number of vessels in Quarantine, of the number of persons sick in the floating or other hospitals thereat, and of the diseases with which they are severally afflicted; he and they shall also receive into the floating hospital all cases of yellow fever found in this District; he or they shall not send or allow to return to the vicinity of any city, village, or town in this District, without the permit of this Board, any person, vessel, or article which this Board has ordered to Quarantine.

Health Officer to report vessels, persons sick, etc. Laws 1866, pp. 580, 585, §§ 27, 45. Laws 1857, p. 332, ch. 412, § 1. Laws 1863, ch. 358, § 46. Laws 1864, p. 893, § 4. H. Laws N. Y., p. 19, § 5.

SEC. 31. That no master, charterer, consignee, or other person, shall order, bring, or allow (having power and authority to prevent) any vessel or person, or article therefrom, from any infected port, nor any vessel, or person, or article therefrom liable to quarantine, according to the ninth section of the three hundred and fifty-eighth

Vessels, persons, etc., from infected ports not to land without permit. Same laws as last section.



chapter of the Laws of 1863 (or under any other laws, and whether such quarantine has been made or suffered, or not), to come or be brought to any point nearer than three hundred yards of any dock or pier, or to any building on the shore of any city or village of said District, without or otherwise than according to the permit of this Board. Nor shall any vessel, or person or thing therein or therefrom, having been in quarantine, come or be brought within the last-named distance of any last-named place, without the permit or assent of this Board.

Articles or persons from infected port or vessel, H. Laws N. Y., pp. 13, 14, 15, 16, 19.  
Laws Brooklyn, pp. 123, 124.

SEC. 32. That no person shall bring into any city, or into any village of this District, from any infected place or land, or take therein from any vessel lately from any infected port, or from any vessel or building in which had lately been any person sick of a contagious disease, any article or person whatsoever, nor shall any such person land or come into any such village or city without a permit of this Board, and it shall be no excuse that such person or article so offending, or the occasion of offence, has passed through quarantine, or has a permit from any other source than this Board.

Notice of persons sick on vessels, H. Laws N. Y., p. 31, subd. 5.

SEC. 33. That every master, charterer, owner, part owner, and consignee of any vessel or of the cargo thereof which shall be in any water in said District, unless detained in quarantine, shall at once give, or cause to be given, to this Board, written notice of any infected article or person, and of every person sick of a contagious disease, being or having within ten days been on board said vessel; and also of each and every fact and thing relative to said vessel, sick person, or cargo, or to the crew of such vessel, which any of the first mentioned persons shall have reason to think may be useful for this Board to know, or be or become dangerous or prejudicial to life or health in said district.;

Cotton to be reported, H. Laws N. Y., p. 28, § 24.

SEC. 34. That every master, owner, charterer, part owner, and consignee of any vessel that shall bring any cotton into this District between the first day of May and the first day of November of each year, shall at once report to this Board, or cause to be made in writing a report of the fact of any such cotton being in a dangerous, infected, or unsound condition, or having been exposed to any infection.

Skins, hides, furs, etc., arriving not to be unloaded except by permit, H. Laws N. Y., p. 38, § 22.  
P 31, subd. 5.

SEC. 35. That no master, charterer, owner, part owner, or consignee of any vessel, or any other person, shall bring to any dock, pier, wharf, or building within one thousand feet thereof, in said District, or unload at any dock, building, or pier therein, or have on

storage in the built-up portion of any city or village of said District, any skins, hides, rags, or similar articles or materials, having been brought from any foreign country or any infected place, or from any point south of Norfolk, Virginia, without or otherwise than according to a written permit so to do from this Board; and no person shall sell, exchange, or in any way make exposure of any straw, bedding, or other articles that have been exposed to the contagion or infection of any contagious disease, or have been or are liable to communicate such disease, or have lately been on any emigrant vessel, till after the same have been adequately cleansed or disinfected.

Straw, bedding,  
etc., exposed to  
contagion, or  
from emigrant  
vessel.

SEC. 36. That every master and chief officer of any vessel, and every physician of, or who practiced on, any vessel which shall arrive in this District from any other port, shall at once report to this Board any facts connected with any person or thing on said vessel, or that came thereon, which he has reason to think may endanger the public health of this District; and he shall report the facts as to any person being or having been sick thereon of a contagious disease, and as to there being, or having been during the voyage or since her arrival, any infected person or articles thereon.

Officers, etc., of  
vessels to report.  
H. Laws N. Y., p.  
31, subd. 5.

SEC. 37. That the word "meat," whenever herein used, includes every part of any land animal and eggs (whether mixed or not with any other substance), and the word "fish" includes every part of any animal that lives in water, or the flesh of which is not meat, and the word "vegetable" includes every article of human consumption as food, which (not being meat, or fish, or milk) is held or offered, or intended for sale or consumption as food for human beings, at any place in said District; and all fish and meat found therein shall be deemed to be therein, and held for such sale or consumption as such food, unless the contrary be distinctly proved.

Meaning of  
"meat," "fish,"  
and "vegeta-  
bles."

SEC. 38. The word "cattle" shall be held to include all animals, except birds, fowl, and fish, of which any part of the body is used as food; the word "butcher" shall be held to include whoever is engaged in the business of keeping, driving, or slaughtering any cattle, or in selling any meat; the words "private market" shall include every store, cellar, stand, and place (not being part of a public market) at which the business is the buying, selling, or keeping for sale, of meat, fish, or vegetables for human food.

Meaning of "cat-  
tles," "butcher,"  
etc., etc.

Butchers require permits. R. Laws N. Y., p. 34, § 2. Brooklyn Laws, p. 15. H. Bill, § 20. SEC. 39. That no person shall become, or continue, or engage as, or in the business of, a butcher, at or in any public or private market or stand in the cities of New York or Brooklyn, in said District, without a permit therefor from this Board.

Unhealthy meat, etc., not to be brought into district. SEC. 40. That no meat, fish, birds, or fowls, or vegetable, nor any milk, not being then healthy, fresh, sound, wholesome, and safe for human food, nor any meat or fish that died by disease or accident, shall be brought within any city or village of said District, or offered or held for sale in any public or private market, as such food, anywhere in said District.

Age of animals; if whose meat is sold. SEC. 41. That no calf, pig, or lamb, or the meat thereof, shall be brought, held, or offered for sale, as such food, in said District, which, at the date of its death (being a calf), was less than four weeks old; or (being a pig) was, when killed, not more than five weeks old; or (being a lamb), was, when killed, not more than eight weeks old. Nor shall any meagre, sickly, or unwholesome fish, birds, or fowls be bought, held, sold, or offered for sale, as such food, in said District.

Cattle overheated or diseased not to be killed. SEC. 42. That no cattle shall be killed for human food while in an overheated, feverish, or diseased condition; and all such diseased cattle, in the cities of New York and Brooklyn, and the place where found, and their disease, shall be at once reported to this Board by the owner and custodian thereof, that the proper order may be made relative thereto, or for the removal thereof from said cities.

Keeping and slaughtering of animals to be in best manner. SEC. 43. The keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowls, shall be in that manner which is, or is generally reputed or known to be, best adapted to secure and continue their safety and wholesomeness as food. That on and after the fifteenth day of June, 1867, neither the slaughtering nor the driving of cattle shall be permitted or conducted at any place in the city of New York south of Forty-second street; nor shall the slaughtering of cattle be conducted at any place in the city of New York north of said street, nor at any place in the city of Brooklyn, without a special written permit from this Board.

No cattle to be slaughtered south of Forty-second street, New York.

Cattle not to be tied by legs, etc. SEC. 44. That no cattle shall be placed or carried while bound or tied by their legs, or bound down by their neck in any vehicle in any city or village of said District, but shall be allowed freely to stand in such vehicle when transported, and while being therein.



SEC. 45. That no cattle, hogs, or sheep shall be driven (where allowed at all) in the generally built-up portions of either of the cities of New York or Brooklyn, except between the hours of eight of the evening and one hour after sunrise of the next morning; nor shall more than twenty cattle, or more than one hundred hogs, or more than one hundred and fifty sheep, be driven together; and they shall be driven in streets and avenues (leading toward their destination) where they will least endanger the lives of human beings, as the Board may designate.

Driving cattle, sheep, and hogs in New York and Brooklyn.

SEC. 46. That no cattle shall be kept in any place of which the water, ventilation, and food is not sufficient and wholesome for the preservation of their health, safe condition, and wholesomeness for food.

Cattle to be kept in healthy place.

SEC. 47. That every butcher and milk dealer, and their agents, shall allow the parties authorized by this Board to freely and fully inspect their cattle and meats, fish and vegetables, held, offered, or intended for sale, and will be expected to answer all reasonable and proper questions asked by such persons relative to the condition thereof, and of the places where such articles may be.

Butchers, etc., to allow meats to be examined.

SEC. 48. That it shall be the duty of every person knowing of any fish, meat, fowl, birds, or vegetables being bought, sold, or offered, or held for sale as food for human beings, or being in any market, public or private, in said District, and not being sound, healthy, or wholesome for such food, to forthwith report such facts, and the particulars relating thereto, to this Board, or to one of its officers or inspectors.

Unsound food, etc., to be reported.

SEC. 49. That no meat or dead animal, above the size of a rabbit, shall be taken to any public or private market for food until the same shall have fully cooled (and all blood shall have ceased dripping therefrom) after its killing, nor until the entrails, head (unless the same be skinned), hide, horns, and feet shall have been removed. Nor shall gut-fat, or any unwholesome or offensive matter or thing, be brought to or near any such market.

Food not to be taken to markets till cool.

Gut-fat, etc., not to be brought to markets.

SEC. 50. That no decayed or unwholesome vegetables shall knowingly be brought into said District to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

Decayed or unwholesome vegetables.

SEC. 51. That no person shall, without consent of this Board, bring into said District for use as a drink for human beings, or offer or have for sale in said District, as such drink, any poisonous or deleterious liquid.

Poisonous or deleterious liquids.

Unwholesome  
meat, etc., not  
sold under wrong  
names.

SEC. 52. That no meat, fish, vegetables, or milk, or unwholesome liquid, shall knowingly be bought, sold, held, offered for sale, labelled, or any representation made in respect thereof under a false name or quality, or as being as what the same is not as respects wholesomeness, soundness, or safety for food or drink.

Meat cased,  
blown, etc., not  
to be kept or sold.

SEC. 53. That no cased, blown, plaited, raised, stuffed, putrid, impure, or unhealthy or unwholesome meat or fish, birds or fowl, shall be held, bought, or sold, or offered for sale for human food, or held or kept in any market, public or private, or any public place in said District.

Stalls, etc., to be  
kept in clean and  
wholesome con-  
dition.

SEC. 54. That every person, being the owner, lessee, or occupant of any room, stall, or place where any meat, fish, or vegetables, designed or held for human food, shall be stored or kept, or shall be held or offered for sale, shall put and keep such room, stall, and place, and its appurtenances, in a cleanly and wholesome condition; and every person having charge, or interested or engaged, whether as principal or agent, in the care, or in respect to the custody or sale of any meat, fish, birds, fowl, or vegetables, designed for human food, shall put and preserve the same in a cleanly and wholesome condition, and shall not allow the same, or any part thereof, to be poisoned, infected, or rendered unsafe or unwholesome for human food.

Slaughter-houses  
and markets to  
be kept clean.

SEC. 55. That every butcher and every person owning, leasing, or occupying any place, room, or building where any cattle have been or are killed or dressed, and every person, being the owner, lessee, or occupant of any room, stable where any cattle may be kept, or market, public or private, and having power and authority so to do, shall cause such place, room, building, stall (and market, being private), and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse, and unwholesome or offensive matter to be therefrom removed, at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to; and shall also, at all times (unless some public authority prevents), keep all wood work, save floors and counters, in any building, place, or premises aforesaid, thoroughly painted or whitewashed.

Offal, blood, etc.  
to be removed.

Cattle not to be  
slaughtered or  
dressed in street.

SEC. 56. That no cattle shall be slaughtered, dressed, or hung, or the meat or any part thereof within any city of said District, wholly or partly within any street, avenue, or sidewalk, or public alley or

place: nor shall any blood, or dirty water, or other substance from such cattle, meat, or place of killing, or the appurtenances thereof, be allowed to run, fall, or to be in any such street, avenue, sidewalk, alley, or place.

SEC. 57. That no building occupied as a slaughter-house, or any part thereof, or any building on the same lot, shall, without a special permit from this Board, be occupied for a dwelling or lodging place; that every such building shall at all times be kept adequately and thoroughly ventilated; that no blood shall be allowed to remain therein over night; that adequate underground connections shall be made from every such building with a public sewer, and the floor of such building on which the slaughtering is done, and the yard, shall be cemented and paved so as not to absorb blood, and so as to carry all liquid into the sewers.

SEC. 59. That upon any cattle, meat, birds, fowl, fish, or vegetables being found by any inspector or other officer of this Board, in a condition which is in his opinion unwholesome and unfit for use as human food, or in a condition or of a weight or quality in these ordinances condemned or forbidden, he shall cause the same to be examined by two reputable persons, reasonably competent to judge in respect thereto, whom he may conveniently find; and if both said persons disagree with him in opinion in respect thereto, he shall take no action, and give no order relative to the same, till he has been instructed by the Sanitary Superintendent or his assistant: and if one or both of said persons agree with him in respect to said articles, then such inspector or officer may forbid the same being offered or exposed for sale, or being sold, for human food, till the owner or party in charge or other proper person has obtained the consent of the Sanitary Superintendent or the Assistant Superintendent, or of this Board to their being so offered, used, or sold. And if both such persons agree with him in opinion, he may order the same to be removed; and thereupon, or if said Superintendent or the Assistant Superintendent, or this Board shall have approved the judgment of said inspector, it shall be the duty of the owner and party in charge to speedily remove such articles from any market, street, or public place, and not to sell or dispose, or offer to sell or dispose thereof for the purpose of human food. And in default of such removal, and also in case of disobedience to such order, and also in all cases where, in his opinion, such articles, by reason of their being in a decayed or offensive condition, would, if allowed longer to remain, be dangerous to health, the same (as this Board may provide) may be caused to be removed by any



inspector, police officer, or officer of this Board, to some suitable place, at the expense of the party who should have removed the same, and the owner and party in interest must take notice thereof.

slaughter-houses  
and cattle-yards  
require permits.  
Laws Brooklyn,  
pp. 15, 353, 355.

SEC. 60. That neither the business of slaughtering cattle, nor the keeping of any slaughter-house, nor the yarding of cattle, shall be begun or undertaken at any new or additional place within the cities of New York or Brooklyn, except pursuant to a permit from this Board; nor shall any person or corporation keep any slaughter-house or yard, or any cattle therein, hereafter, without a permit from this Board.

Animals not to be  
killed or offensive  
substances kept in  
markets.

SEC. 61. That no person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious, nauseous, or offensive substance.

Refrigerators  
in markets.

SEC. 62. That no butcher or dealer shall keep in any market any refrigerator or ice-box, unless the same shall be lined with lead or some proper metallic substance, so as to be water-tight, nor unless the same be provided with a pipe of lead, zinc, or copper leading therefrom to the nearest gutter or proper waste pipe.

Sidewalks not to  
be occupied.

SEC. 63. That no person engaged in the selling or keeping for sale of any fish, meat, birds, fowl, or vegetables, shall, without a permit from this Board, occupy or encroach upon any portion of any street or sidewalk, or public place in the cities of New York or Brooklyn.

Parts of fish to  
be removed.

That no person shall, in the built-up portion of New York or Brooklyn, or adjacent thereto, sell or have for sale any fish in or from any vehicle or in any street or public place, from which all parts which are not usually cooked for food have not been removed.

Meaning of  
"street," "pub-  
lic place."

SEC. 64. That the word "street," when used in these ordinances, shall be held to include avenues, sidewalks, gutters, and public alleys; and the words "public place" shall be held to include parks, piers, docks, and wharves, and water and open spaces thereto adjacent, and also public yards, grounds, and areas, and all open spaces between buildings and streets, and in view of such streets; the word "ashes" shall be held to include cinders, coal, and everything that usually remains after fires; the word "rubbish" shall be held to include all the loose and decayed material and dirt-like substance that attends use or decay, or which accumulates from building, storing, or cleaning; the word "garbage" shall be held to include every accumulation of both

"Ashes."

"Rubbish."

"Garbage."

animal and vegetable matter, liquid or otherwise, that attends the preparation, decay, and dealing in or storage of meats, fish, fowls, birds, or vegetables; and the word "dirt" shall be held to mean "Dirt." natural soil, earth, and stone.

SEC. 65. That no part of the contents of or substances from any sink, privy, or cesspool, nor any manure, ashes, garbage, rubbish, or dirt, shall be by any person flung or allowed to run or drop into or remain in any street or public place, except as herein elsewhere specified; nor shall the same be thrown or allowed to fall or run into the North or East rivers, save through the proper underground connection.

Contents of privies, manure, etc., not to be thrown into street or river.

SEC. 66. That no swill, brine, urine of animals or other offensive animal nuisance, nor any stinking, noxious liquid, or other filthy matter of any kind, shall by any person be allowed to run or fall from or out of any building, vehicle, or erection into or upon any street or public place, or be taken or put therein, save as herein elsewhere provided.

Liquid filth not to run on sidewalk

SEC. 67. That no person shall deposit upon any street or public place within the generally built-up portion of New York or Brooklyn, or upon any paved street, any dirt or brick, or other material or dirt taken from any ground therein, in such manner as to occupy more than one hundred square feet of surface of any street or place (and the same shall be compact and at one side), nor allow the same to remain more than twelve hours, without a permit from this Board, or unless such occupancy shall be otherwise duly authorized by paramount authority. Nor shall any such substance be so deposited or allowed to remain by any person as to obstruct the free flowage along any gutter.

Dirt, brick, etc., in street.  
H. LAWS N. Y.  
pp. 121, 122, 124, 125.

SEC. 68. That it shall be the duty of every owner, tenant, lessee, and occupant of any and every building or place of business in the generally built-up portions of the cities of New York and Brooklyn, within forty days after the publication hereof, to provide or cause to be provided, and at all times thereafter to keep and cause to be kept and provided, within such building or place of business, a suitable and sufficient box, barrel, or tub, and several thereof, if needful, for receiving and holding, without leakage, and without being filled to within four inches of the top thereof, all the ashes, rubbish, garbage, and liquid substances of whatever kind that may accumulate during thirty-six hours from said building or place of business, or the portion

Receptacles for garbage, etc., to be provided.  
H. LAWS N. Y.  
p. 123.  
Brooklyn,  
pp. 341, 342.

Ashes, garbage,  
etc., to be  
removed.

thereof of which such person may be the owner, tenant, lessee, or occupant; and every such box, barrel, and tub designed to hold ashes, shall be made of or lined with some suitable metal; and all ashes, rubbish, garbage, and liquid substances that should be removed from such building and place of business, or from that part for which said receptacles were provided (and none other, without the proper consent), shall be placed therein, and no such box, barrel, or tub shall remain on any sidewalk or in any public place longer than may be needful for the removal of the contents thereof.

Where garbage  
boxes kept.

SEC. 69. That such boxes, tubs, and barrels shall be placed and kept in such position (unless kept within or upon private grounds, within the sidewalks) as the inspectors or agents of this Board shall provide or the police direct; and no person, not for that purpose authorized, shall interfere therewith, or with the contents thereof.

Garbage, etc.,  
may be delivered  
directly to carts.  
H. Laws N. Y.,  
p. 122, § 11.

SEC. 70. That all occupants, so preferring, may deliver their ashes, garbage, and rubbish directly to the proper carts, to be taken away at any hour of the day when said carts may be present; and said carts may take such articles from receptacles delivered at any such hour; *provided*, that such garbage or rubbish be not highly filthy or offensive; and in the latter case, the same shall not be so delivered or received during the period from sunrise of any day till ten o'clock of the evening of the same day.

Unless highly  
offensive.

Lime, coal, etc.,  
not sifted, etc.,  
in street.  
H. Laws N. Y.,  
p. 122.

SEC. 71. That no lime, ashes, coal, dry sand, hair, feathers, or other substance that is in a similar manner liable to be blown by the wind, shall be sieved or agitated or exposed, nor shall any mat, carpet, or cloth be shaken or beaten, nor any cloth, yarn, garment, or material or substance be scoured, cleaned, or hung, nor any business be conducted over or in any street or public place, or where it, or particles therefrom, or set in motion thereby, will pass into any such street or public place, or into any occupied premises. That neither any usual nor any reasonable precaution shall be omitted by any person to prevent fragments or other substances from falling, to the peril of life, or dust and light material flying into any street, place, or building, from any building or erection, while the same is being altered, repaired, or demolished, or otherwise.

Persons paving  
streets to remove  
rubbish, etc.  
H. Laws N. Y.,  
p. 129.

SEC. 72. That every person who shall have paved, or caused to be paved, any street or place, shall cause all rubbish, dirt, and whatsoever else he has deposited, or allowed to be deposited on such pavement, to be removed from the several parts of such pavements within



five days from the time of the same being deposited thereon. And every person who has removed any flag-stone, curb-stone, pavement-stone, or other stone, or dirt or iron in or from any street, sidewalk, or place, for the purpose of repairs, or for the purpose of paving, flagging, or curbing, or repairing, re-curb-ing, or re-flagging, or making any repairs or changes, or otherwise, shall cause the same or a proper substitute therefor to be placed or replaced and completed as soon as the same can reasonably be done.

Pavement, etc.,  
when removed,  
to be replaced.

SEC. 73. That no owner, part owner, tenant, or occupant of any building or erection shall allow any part thereof, or any substance therein, or anything thereto attached, and which any such person can control or remove, to continue or remain in a position or condition that shall imperil the life or safety of any person thereat or therein, or who is or may properly be in any street or place.

No building to be  
left so as to en-  
danger life in  
street.

SEC. 74. That no person shall take, carry, expose, or place (or induce any other person so to do) in or upon any street or public place, any substance, animal or thing, which shall imperil the life or health of any person who is or may properly be in such street or place.

Nothing injuri-  
ous to health to  
be exposed in  
street.

SEC. 75. That no person being owner, lessee, or tenant of any house or building, shall allow any water or other liquid to run from or out of his building or ground, upon or across any sidewalk or curbstone, and if such substance is allowed to pass upon any street it must reach the same by a passage, to be kept at all times adequate and in repair by such person, under or through such flagstone or curbstone; and no such water or other liquid, or ice therefrom, shall be allowed to gather or remain on the upper surface of such curb, flagstone, or passage; nor shall such person allow any accumulation of such water or liquid, or the ice therefrom, upon any street or place, but shall, at all times, cause the same to be removed, or to pass along the gutter or some proper passage to one of the rivers or into a sewer.

Water, etc., not  
to run on  
sidewalk.  
H. Laws N. Y.,  
pp. 130, 131,  
ss 33, 37.

SEC. 76. That no butchers' offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter, shall be thrown by any person or allowed to go into any street, place, sewer, or receiving basin, or into any river or standing or running water or excavation, or upon the ground or premises of any other person in the built-up portions of said District.

Offal or garbage  
not to be thrown  
in street, sewer,  
etc.

Person cleaning  
street to clean  
gutters.  
H. Laws N. Y.,  
pp. 163, § 13.

SEC. 77. That every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the streets along which the water will run, before using any water to wash the same; and no substance that could be before scraped away shall be washed or allowed to be carried or be put into the sewer, or into any receptacle therewith connected.

Public reservoirs  
water-pipes, etc.,  
not to be defiled.  
H. Laws N. Y.,  
pp. 163, 164, 165.

SEC. 78. That no person shall throw, or allow to run or pass into any public reservoir, water-pipe, or aqueduct, or into or upon any border or margin thereof, or excavation or stream therewith connected, any animal, vegetable, or mineral substance whatever; nor shall any person allow the same to be done (having power and right to prevent the same); nor shall any person do or permit to be done (having right or power to prevent the same), any act or thing that will impair or peril the purity or wholesomeness of any water or other fluid used or designed as a drink in any part of said District; nor shall any person bathe (nor except in the discharge of a public duty, put) any part of his person into such water; nor shall any unauthorized person open any erection or unscrew any hydrant holding such water.

Water to be kept  
pure.  
H. Laws N. Y.,  
pp. 162, 163.

SEC. 79. That it shall be the duty of every person, officer, and Board, having any authority and control in regard to any water designed for human consumption (and within the proper sphere of the duty of each thereof), to take all usual and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water.

Drains and  
sewers to be  
adequate and  
proper.

SEC. 80. That it shall be the duty of every person using, making, or having any drain, soil pipe, passage, or connection between any sewer (or with either the North or East Rivers) and any ground, building, erection, or place of business, and in like manner the duty of the owner and tenant of all grounds, buildings, and erections, and of the parties interested in such place of business or the business thereat, and in like manner the duty of all Boards, officers, and persons (to the extent of the right and authority of each), to cause and require that such drain, soil pipe, passage, and connection shall at all times be adequate for its purpose, and shall convey and allow freely and entirely to pass whatever enters or should enter the same.

Sufficient water  
to flush sewers  
to be used.  
H. Laws N. Y.,  
pp. 83, 162, § 25.

SEC. 81. That it shall be the duty of all Boards, officers, and persons having power and authority so to do or require (and to the extent thereof), to cause to be used sufficient water, and other adequate means to be taken, so that whatever substances may enter any

sewer shall pass speedily along and from the same, and sufficiently far into some water or proper reservoir, so that no accumulations shall take place, and no exhalations from thence proceed dangerous or prejudicial to life or health.

SEC. 82. That the proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drainage of all cities and villages in said District to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and constructions in every particular, that life and health shall not be needlessly exposed, or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewers or drainage, or the want thereof.

Sewers to be properly constructed.  
H. Laws N. Y., pp. 162, 163.

SEC. 83. That no person shall engage in the business of a scavenger, or of transporting manure, swill, ashes, offal, rubbish, or garbage, or any offensive or noxious substance, or in driving any cart for such purpose, in the cities of New York or Brooklyn (except the persons acting under the street cleaning commissioners, or the contractors for cleaning the streets, and as this Board may provide), until he shall have first received a permit from this Board, of such form and effect as the regulations of the Board shall provide, authorizing such person so to engage.

Permits required for scavengers, carriers of manure, offal, garbage, etc.  
H. Laws N. Y., pp. 80, 89, 192.

SEC. 84. That no person shall empty, or attempt to empty, any vault, sink, privy, or cesspool in the cities of New York or Brooklyn, except pursuant to a permit therefor first received from this Board.

Privies, etc., not to be emptied without permit.  
H. Laws N. Y., p. 83, § 26.

SEC. 85. That no vault, privy, sink, cistern, or cesspool shall hereafter be made or rebuilt in the cities of New York or Brooklyn, except in accordance with the regulations, and pursuant to a permission first obtained from this Board; nor shall any erection or cover be made or put upon, or over the same, until the same has been inspected by some person authorized by this Board, and been found to correspond to such permit and regulations; and no privy shall be built within two feet of the line of any lot.

Vaults, privies, etc., how built.  
H. Laws N. Y., p. 112.  
Laws Brooklyn, pp. 351, 352.

SEC. 86. That no water-closet, sink, tub, vat, or other structure shall hereafter be constructed within either the city of New York or Brooklyn, having connection with, or by any sewer or underground passage, unless the same is provided with adequate, or the best generally approved constructions and precautions for preventing gases

Water-closets, etc., to be properly trapped.  
H. Laws N. Y., pp. 112, 113.  
Laws Brooklyn, p. 352.



and other offensive currents, substances, or smells from passing up or out through such connection from such sewer or passage; nor shall any such water-closet or privy be constructed without adequate provisions for the effectual and proper ventilation and cleansing thereof.

Contents of  
privies not to  
run on street  
or place.

SEC. 87. That no person shall draw off, or allow to run off into any ground, street, or place of any city, the contents (or any part thereof) of any vault, privy, cistern, cesspool, or sink; nor shall any owner, tenant, or occupant of any building to which any vault, sink, privy, or cesspool shall appertain, or be attached, permit the contents, or any part thereof, to flow therefrom, or to rise within two feet of any part of the top, or permit said contents to become offensive: nor shall any privy, or other erection in this section mentioned, be filled with or covered with dirt till its filthy contents shall be emptied.

Contents of  
cesspools not  
within two feet  
of top, nor privy  
connected with  
dirt till emptied.

Privies not to be  
emptied except  
on a permit.

SEC. 88. That neither the owner, tenant, nor occupant of any building or premises, in the built-up portions of either the city of New York or Brooklyn, shall employ, cause, or permit any part of the contents of any vault, privy, sink, or cesspool (being thereon, and of which he has control) to be removed, unless according to a permit or the regulations of the Board.

What not thrown  
into privies, etc.

SEC. 89. That no person shall throw into, or deposit in any vault, sink, privy, or cesspool, any offal, ashes, meat, fish, garbage, or other substance, except that of which any such place is the appropriate receptacle.

Tubs, etc., in  
privies,  
in towns N. Y.,  
§§ 114, 115.

SEC. 90. That every tub or other receptacle in any necessary house, sink, or privy (or placed, or allowed to stand therein, by any owner, tenant, or occupant of any building, or premises, and) used to contain any liquid or partially liquid substance, shall be sufficiently strong, perfectly tight, and adequately provided with a strong cover and with hoops and handles; shall not be allowed to be filled to within four inches of any part of the top, and shall not be allowed (or its contents) to be offensive. And the provisions of these ordinances relative to emptying cesspools, and to throwing any substance therein, shall apply to said tubs and receptacles as if here repeated and applied thereto.

Contents of  
privies not  
thrown into  
river or street.

And no person shall throw, drop, or allow to fall into the North or East River, or into any street or place, any substance being, or having been part of, the contents of any such vault, cesspool, privy, sink, tub, or receptacle, or any offal.

SEC. 91. That neither the contents of any such tub, or of any receptacle, cesspool, privy, vault, sink, or water-closet, cistern, nor anything in any room, excavation, vat, building, premises, or place, shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to life and health.

Contents of privies not to become offensive.

SEC. 92. That no cart or other vehicle for carrying any offal, swill, garbage, or rubbish, or the contents of any privy, vault, cesspool, or sink, or having upon it or in anything on such cart any manure, or other nauseous or offensive substance, shall, without necessity therefor, stand or remain, nor shall a needless number gather before or near any building, place of business, or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground; nor shall any such cart or vehicle, or the driver thereof, or anything thereto appertaining, be (or by any person having a right to control the same, be allowed to be) in a condition needlessly filthy or offensive; and when not in use, all such carts, vehicles, and all implements used in connection therewith, shall be stored and kept in some place where no needless offence shall be given to any of the people of said District.

Carts, etc., used in removing garbage, etc.

SEC. 93. That all carts and vehicles in the last section mentioned, and boxes, tubs, and receptacles thereon, in which any substance in said section referred to may be or be carried, shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak, or spill therefrom; and that when, in the opinion of this Board, it is necessary to prevent the contents of such carts or vehicles, tubs or boxes, or receptacles from being offensive, each of such carts, tubs, and boxes, and receptacles shall be adequately and tightly covered, as the orders or regulations of this Board may provide or direct.

Carts and boxes to be strong and tight and not spill contents. H. Laws N. Y. pp. 110, 126, 127.

SEC. 94. That no driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof, nor person engaged about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal, or the contents of any vault, sink, privy, cesspool, or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building, or premises.

Emptying privies, etc., to be carefully conducted.

Liquid, manure,  
etc., not to escape  
from carts, etc.  
H. Laws N. Y.,  
p. 124.

SEC. 95. That no person shall allow (and it shall be the duty of every contractor and person who has ordered or procured, or is having any of the following articles carried, or who is driving the same, to prevent) any cart or vehicle to be so fully loaded, or being in such bad condition of repair, or of such faulty construction, or being so improperly driven or managed, that any offensive liquid, or any manure, garbage, rubbish, offal, dirt, or material thereon, shall fall upon or in any place, street, or premises; and it shall be the duty of every such person to at once replace on such vehicle and remove what has so fallen.

Contents of  
privies, etc., to  
be disinfected.

SEC. 96. That all putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults, and cesspools, and all noxious substances in the built-up portion of any city, shall, before its removal or exposure, be disinfected and rendered inoffensive by the owner, lessee, or occupant of the premises where the same may be, or (in default of the same being so done) by the person or contractor who removes or is about to remove the same; and for all such matter so disinfected and rendered inoffensive, the person (not being such tenant, owner, or occupant) who shall so disinfect and remove the same, shall be entitled to demand and receive a compensation, to be fixed by the Board of Health, not exceeding twelve cents per cubic foot for making such disinfection and removal, to be paid by any tenant, owner, or occupant.

Construction  
of carts.  
H. Laws N. Y.,  
pp. 126, 127.

SEC. 97. That every cart and other vehicle hereafter constructed for or engaged about any business, or intended to be loaded with any matter or substance in the last section mentioned, shall be constructed according to these ordinances, and to the regulations and orders of this Board.

Notice to be  
given before  
garbage carts.  
H. Laws N. Y.,  
p. 135, § 5.

SEC. 98. That the drivers of all carts for the removal of any garbage, offal, rubbish, or dirt from any building or premises, shall give adequate notice to those dwelling in any street whose buildings or premises such cart is about to or should approach for the removal of any substance aforesaid.

Manure to be  
removed.

SEC. 99. That every owner, lessee, tenant, and occupant of any stall, stable, or apartment in which any horse, cattle, or swine, or any other animal shall be kept, or of any place in which manure or any liquid discharge of such animals shall collect or accumulate, within the built-up portion of any city, shall cause said liquid and manure to be at once removed to some proper place, and shall at all times keep or cause to be kept such stalls, stables, and apartments, and the



drainage, yard, and appurtenances thereof, in a cleanly and wholesome condition, and no offensive smell shall be allowed to escape therefrom. Every such stall, stable, or apartment, where horses or cattle are kept, shall have an underground and properly covered manure vault of not less than sixty-four cubic feet capacity.

SEC. 100. That no pile or deposit of manure, offal, dirt, or garbage, nor any accumulation of any offensive or nauseous substance, shall be made within the built-up portions of the cities of New York or Brooklyn, or upon any open space inclosed within any portions thereof, or upon the piers, docks, or bulkheads adjacent thereto, or upon any open grounds near (or upon any vessel or scow other than those to be speedily, and according to the duty of any person, removed, lying at) any such pier, wharf, or bulkhead, except according to a permit obtained from this Board, and according to its regulations. And no person shall contribute to the making of any such accumulations. Nor shall any straw, hay, or other substance which has been used as bedding for animals, be placed or dried upon any street or sidewalk.

SEC. 101. That no person shall allow any swine or goat to run at large in any city, and no person shall, within the built-up portions of any city, or within one thousand feet of any residence or place of business or street thereof, keep any swine or goat, without a permit so to do from this Board.

SEC. 102. That every place where any such swine may be kept shall be kept at all times in a cleanly and wholesome condition.

SEC. 103. That no cattle, sheep, horse, goat, goose, or mule, or any dangerous or offensive animal, shall be allowed by any owner, or by any person having charge of, or who should have charge of the same, to go at large in any street or public place in either of the cities of New York or Brooklyn. And no pigs, swine, or cattle shall be unloaded from any cars upon any street or public place in the city of New York, except pursuant to a written permit from this Board.

SEC. 104. That no cattle, swine, or sheep, geese, goats, or horses, shall be yarded within or adjacent to the built-up portions of either of the cities of New York or Brooklyn without the permit of this Board, or otherwise than according to its regulations.

SEC. 105. That no diseased or sickly horse, cattle, swine, sheep, dog, or cat, nor any that have been exposed to any disease that is contagious among such animals, shall be brought into the city of New York or Brooklyn.

Manure vault.

Manure, etc., not to be accumulated.  
H. Laws N. Y., pp. 126, 127, 128.

Swine and goats not to run at large or be kept.  
Laws Brooklyn, pp. 354, 355.  
H. Laws N. Y., pp. 108, 109.

Places where swine kept to be clean.

Cattle, etc., not to run at large.  
H. Laws N. Y., p. 109, § 7.

Pigs, etc., not to be unloaded in street.

Cattle-yards require permit.  
Laws Brooklyn, p. 355.

Diseased horses, etc., not to be brought into cities.

Mad animals.  
Laws Brooklyn,  
p. 356

SEC. 106. That every animal which is mad or has the hydrophobia, shall, by the person owning the same, or having the possession, charge, or control thereof, be at once killed ; and every animal that has been exposed to such disease, shall be at once confined in some secure place for such length of time as to show that such exposure has not given such animal said disease, and so as to avoid all danger to life or health. And the dead body of any animal that died of such disease shall be at once, by such person, buried not less than three feet under ground, at some place not within one thousand feet of any residence.

Disposition of  
dead animals.  
H. Laws N. Y.,  
pp. 101, 102.

SEC. 107. That no person shall leave in or throw into any place or street or public water, nor offensively expose or bury, the body (or any part thereof) of any dead or fatally sick or injured animal : nor shall any person keep any dead animal or any offensive meat, bird, fowl, or fish in a place where the same may be dangerous to the life, or detrimental to the health of any person.

Animals injured  
or diseased,  
how disposed of.

SEC. 108. That any animal, being in any street or public place, within or adjacent to the built-up portions of New York or Brooklyn, and appearing in the estimation of any officer or inspector of this Board (and of two discreet citizens, called by such officer or inspector to view the same in his presence) injured or diseased, past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for such owner ; or not having been removed to some private premises, or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer or inspector, or as he may direct, and shall thereafter, unless at once removed by the owner or proper person, be treated as any other dead animal found on a street or place.

Dead animals to  
be removed.

SEC. 109. That any person having a dead animal or an animal past recovery, and in an offensive condition, on his premises in any city, and not killed for and proper for use as meat or fish, and every person whose animal, or any animal in his charge or under his control in any street or place, may die or become or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place ; and when such place may be designated by any officer or inspector of this Board, to the last-named place.

Treatment of  
sick or injured  
animals in  
streets.

SEC. 110. That no person other than the inspectors or officers of this Board or the Board of Police, or persons thereto authorized,

shall in any way interfere with such dead, sick, or injured animal in any street or place, and no person shall skin or wound such animal in such street or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a policeman or an inspector or officer of this Board.

SEC. 111. That it shall be the duty of the owner, and of the person that last had or then having charge of any animal, so dead or injured or diseased, and being in any street or public place, to at once give notice thereof and of the nearest street and avenue where it may be, to some inspector or officer of this Board, or at its principal office in New York or Brooklyn, in whichever city the animal may be, unless such animal is at once removed therefrom by some proper person.

SEC. 112. No person shall obstruct, delay, or interfere with the proper and free use, for the purposes for which they may be, and should be, set apart and devoted, of any dock, pier, or bulkhead set apart for the use of any contractor or person engaged in removing any offal, garbage, rubbish, dirt, dead animals, night soil, or other like substances, or with the proper performance of such contracts.

SEC. 113. That it shall be the duty of every contractor and person (their agents and employees) who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street sweepings, night soil, or other filthy, offensive, or noxious substance, or is engaged about any such removal, or in loading or unloading of any such substance, to do the same with dispatch, and in every particular in a manner as cleanly and little offensive, and with as little danger and prejudice to life and health as possible.

SEC. 114. That no matter or material in the section last mentioned shall lay piled up, or partially raked together, in any street or place before the removal thereof, more than a reasonable time, nor for more than four hours in the day time, under any circumstances.

SEC. 115. That every contractor in these ordinances referred to, and every person who has contracted, or undertakes or is bound to do, or is engaged in doing any one of those things, in respect of which these ordinances contain provisions or regulations, shall comply with these ordinances, to the extent that any contract, obligation, or duty re-

Notice of dead animals to be given.

Offal docks, etc., not to be obstructed

Offal and street contractors to act promptly.

Street dirt not to be left in heaps. Philadelphia. Rele. Rep. of 1861, p. 31.

Contractors to comply with ordinances.



quires or permits; and no direction of any contractors or persons shall excuse him for a noncompliance with any of said ordinances.

Vessels not to go to offal dock.  
H. Laws N. Y.,  
p. 102, § 7.

SEC. 116. That no ship, boat, or other vessel or article, shall be taken or allowed by any person to come into or lay to or at or within any dock, pier, bulkhead, or slip (or be placed thereon), set apart or appropriated for the use or purpose of the shipment or removal of any offal, garbage, rubbish, dirt, or dead animals, or for the use of any contractor about the removal of any of the foregoing substances, without a permit from this Board.

Oyster saloon keepers, etc., to remove shells, etc.  
H. Laws N. Y.,  
p. 121, § 5.

SEC. 117. That every proprietor, lessee, tenant, and occupant of any oyster house, oyster saloon, or other premises where any oysters, clams, lobsters, or shell or other fish are consumed, used, or sold, or where any of the refuse matter, offal, or shells thereof accumulate, shall daily cause all such shells, offal, and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon, and premises at all times free from any offensive smells or accumulations.

Duty with reference to blacksmiths' shops, foundries, coal yards, etc.  
H. Laws N. Y.,  
p. 121, § 5.

SEC. 118. That the owners, lessees, tenants, and managers of every blacksmith or other shop, forge, coal yard, foundry, manufactory, and premises where any business is done, shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive. Nor shall any smoke, cinders, dust, gas, or odor be allowed to escape from any such building, place, or premises to the detriment or annoyance of any person not being therein or thereupon engaged.

When ground not to be opened.  
H. Laws N. Y.,  
p. 143.

SEC. 119. That no ground or material filled with offensive matter or substance, or that will emit or allow to arise, through or from the same, any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of any city) be opened or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year, except according to a permit first therefor obtained from this Board.

Offensive liquids forbidden.  
Tanneries.  
Offensive trades.  
H. Laws N. Y.,  
pp. 143, 144.

SEC. 120. That no person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise; and no establishment or place of business for tanning, skinning, or scouring, or for dressing hides or leather, or for carrying on any offensive or noisome trade or business, shall hereafter be opened,

started, or established in the cities of New York or Brooklyn, nor elsewhere in said District, in or near any city or village, without a permit of this Board. And every such establishment now existing shall be kept cleanly and wholesome, and be so conducted in every particular as not to be offensive, or prejudicial to life or health.

SEC. 121. That no person shall boil any offal, swill, bones, or fat in the built-up portions of any city or village, save in ordinary cooking, nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, fat boiling, gut cleaning nor the skinning or making of glue from any dead animals or parts thereof, nor any other occupation that is dangerous or detrimental to life or health, be hereafter established within any of said cities or villages; nor shall any person work or engage, therein, in any such business or occupation: and every business and pursuit of the kind in this section named, whether carried on in the built-up portions of a city or elsewhere, shall be promptly discontinued, unless the continuance thereof shall be allowed by a permit of this Board.

Bone boiling,  
shell burning,  
fat boiling, etc.  
H. Laws N. Y.,  
pp. 145 to 148.

SEC. 122. That no person shall have at any place where milk, butter, or cheese is kept for sale, nor at any place offer or have for sale, nor shall any person bring or send to any city or village any unwholesome, watered, or adulterated milk, or milk known as swill milk, or milk from cows or other animals that for the most part lived in stables, or that fed on swill, garbage, or other like substance; nor any butter or cheese made from any such milk, nor any unwholesome butter or cheese.

Unwholesome,  
watered, adul-  
terated, or  
swill milk.  
Laws 1854, ch.  
544, p. 1195.

SEC. 123. That no person shall keep or allow to be kept in any building, or on any premises, or on grounds of which he may be the owner, lessee, tenant, or occupant, more cows or other cattle than at the rate of fifteen to an acre (in or near the built-up portions of any city or village), without a permit from this Board. And every such person shall cause every stable and place where any cows, horses, or other animals may be, to be kept at all times in a cleanly and wholesome condition, and shall not allow any animal to be therein, while infected with any disease contagious or pestilential among such animals, without a permit from this Board.

Number of cows  
that may be  
kept.  
Brooklyn Laws,  
p. 355.

Stables to be  
clean.

SEC. 124. That every owner, lessee, tenant, and occupant of any building or lot in the built-up portions of the cities of New York or Brooklyn, shall, within two hours after the fall of any snow exceeding one inch in depth, and within two hours after the forming of any ice

Snow and ice to  
be removed.  
H. Laws N. Y.,  
pp. 140 to 142.

on the sidewalk or in the gutter in front of or against the side of any such building or lot, remove, or cause the same to be removed, from such sidewalk and gutter, or in case of great difficulty in removing such ice, that every such person do sprinkle or cause to be sprinkled thereon sand or ashes, so that travelling thereon shall not be perilous; but that where said snow falls or ice forms between the hours of eight o'clock of the evening and daylight in the morning, this ordinance will be complied with by removing or sprinkling the same within two hours after sunrise of the morning succeeding its fall or formation.

Ashes to be sprinkled.

Walks, etc., to be kept in repair and free from incumbrances. H. LAWS N. Y., p. 132, § 40.

SEC. 125. That every owner, tenant, lessee, and occupant of any building or lot (whether vacant or occupied), within or near the built-up portions of any city or village, shall keep and cause to be kept the sidewalk and flagging, and curbstone in front thereof, in good repair and condition; and that every such person shall keep and cause every such sidewalk to be kept free from obstructions, as well as also free from any incumbrance, and free from all substances of every kind.

Animals not to go on sidewalks.

SEC. 126. That no person shall take, or allow to go or be taken (having the right and ability to prevent the same), any horse or other animal, nor any vehicle, upon any sidewalk or footpath in front of any building, to the peril of any person; nor shall any person, block up or obstruct any street or place, or contribute thereto.

Definition of tenement-house.

SEC. 128. That a tenement-house shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let, or hired out to be occupied, or is occupied as the house, home, or residence of more than three families living independently of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them.

Definition of lodging-house.

A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week.

Definition of cellar.

A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining. The phrase "boarding-house" shall be held to include every building, and every story and portion thereof, which is at any time or usually used, leased, or occu-

Definition of boarding-house.



pied, or intended so to be, by any number of persons, exceeding ten, as boarders thereat. And the word "manufactory" shall be held to include every building, and every story and portion thereof, in which any sort of labor or work is done, which calls for the continual or usual presence of several persons during several hours of the day or night engaged about said work or labor; and the word "saloon" shall be held to include every portion of any building in which the business of selling meals, liquors, drinks, or refreshments of any kind, shall be conducted, and includes concert saloons.

Definition of  
manufactory

Definition of  
saloon.

SEC. 131. That no person, being the manager or keeper of any saloon, boarding-house, or lodging-house, or being employed as a clerk, servant, or agent thereat, shall therein or thereat offer or have for food or drink, or to be eaten or drank, any poisonous, deleterious, or unwholesome substance, nor allow anything therein to be done or to occur dangerous to life or prejudicial to health.

No poisonous or  
unwholesome  
food in saloons,  
etc.

SEC. 132. That every person who shall be the owner, lessee, or keeper or manager of any boarding-house or manufactory, shall provide, or cause to be provided for the accommodation thereof, and for the use of the lodgers and boarders and workers thereat, adequate privies or water-closets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome condition as not to be offensive, or be dangerous or detrimental to life or health. And no offensive smell or gases, from or through any outlet or sewer or through any such privy or water-closet, shall be allowed, by any person aforesaid, to pass into such house or any part thereof, or into any other house or building.

Water closets  
to be provided.

Gases not to  
escape.

SEC. 133. That no owner, lessee, or keeper of any tenement-house, lodging-house, boarding-house, or manufactory shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health.

No overcrowding.

SEC. 134. That every owner, lessee, and tenant and manager of any boarding-house or manufactory, shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and wholesome condition, and shall speedily cause every apartment thereof in which any person may sleep, dwell, or work, to be adequately lighted and ventilated; and, if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such temperature, and be

Owners, etc., of  
boarding-houses  
and factories to  
provide for  
cleanliness,  
ventilation, etc.

provided with such accommodations and safeguards as not, by reason of the want thereof, or of anything about the condition of any such manufactory or its appurtenances, to cause unnecessary danger or detriment to the life or health of any person being properly therein or thereat.

No building to be let unless properly ventilated, cleaned, etc.

Cellars.

SEC. 135. That no owner or lessee of any building, or any part thereof, shall lease or let, or hire out the same, or any portion thereof, to be occupied by any person, or allow the same to be occupied as a place in which or for any one to dwell or lodge: except when said buildings or such parts thereof are lighted, ventilated, provided, and accommodated, and are in all respects in that condition of cleanliness and wholesomeness, for which these ordinances or any law of this State provide, or in which they or either of them require any such premises to be kept. Nor shall any such person rent, let, hire out, or allow, having power to prevent the same, to be used as or for a place of sleeping or residence, any portion or apartment of any building, which apartment or portion has not at least two feet of its height and space above the level of every part of the sidewalk and curbstone of any adjacent street, nor of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation prejudicial to health. But this section shall not prevent the leasing, renting, or occupancy of cellars or rooms less elevated than aforesaid, and as a part of any building rented or let, when they are not let or intended to be occupied or used by any person as a sleeping apartment, or as a principal or sole dwelling apartment.

Cellar or room dangerous to life not to be occupied.

SEC. 136. That no person, having the right and power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to life or health, by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive substance or otherwise.

Ventilation, sewerage, etc., to be provided in new buildings. Brooklyn Laws, P. 17, § 21.

SEC. 138. That no person shall hereafter erect, or cause to be erected or converted to a new purpose, by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to strength, ventilation, light, sewerage, or of any other usual, proper, or necessary provision or precaution: nor shall the builder, lessee, tenant, or occupant of any such or of any other building or structure (within the right or ability of either to remedy or prevent the same), cause or allow any matter or thing to be or to

be done in or about any such building or structure dangerous or prejudicial to life or health.

Sec. 139. That no interment of any dead body of any human being or disposition thereof in any tomb, vault, or cemetery, shall be made either within the city of New York or Brooklyn, without a permit therefor granted by this Board, nor otherwise than in accordance therewith, and no sexton or other person shall assist in or assent to or allow any such interment, or aid or assist about preparing any grave or place of deposit for any such body, for which such permit has not been given authorizing the same. And it shall be the duty of every person who shall receive any such permit, to preserve and to return the same to this Board, as its regulations may require.

No interment except by permit.  
Laws of 1857, ch. 11, Laws N. Y. pp. 356, 357, and 358, 359, 360, 361, 362, 363, 364 to 368.

Sec. 140. That no new burying-ground, cemetery, tomb, or vault for dead bodies shall be established, nor shall the remains of any dead human body be placed in any existing burying-ground, vault, tomb, or cemetery, in either of said cities, nor any of said receptacles be opened, exposed, or disturbed, except according to the terms of a permit therefor given by this Board; and every body buried in any such place shall be buried to a depth of six feet below the surface of the ground, and four feet below any closely adjacent street.

New cemeteries not to be established.  
Graves, etc., not to be opened, save by permit.  
Depth of graves.

Sec. 141. That every sexton and other person having charge of any burying-ground, cemetery, tomb, or vault, in the city of New York or Brooklyn, shall, before twelve o'clock of Monday of each week, make return to this Board of the bodies and persons buried since their last return, and in such form, and specifying such particulars, as the special regulations of this Board shall require.

Sextons to make returns.

Sec. 142. That no captain, agent, or person having charge of or attached to any ferry-boat, sailing, or other vessel, nor any person in charge of any car, stage, or other vehicle or public or private conveyance, shall convey or allow to be conveyed thereon, or by any means aforesaid, from or in either the city of New York or Brooklyn, the dead body of any human being, or any part thereof, without a permit therefor from this Board. And the proper coupon for that purpose attached to any such permit when issued shall be preserved and returned to this Board, as its regulations may require, by the proper officer or person on such boat or vessel, and by the proper person in charge of any train of cars or vehicle on which any such body may be carried from either of said cities.

Bodies not to be removed from city except by permit.



Dead body not  
to be retained  
unduly.

SEC. 143. That no person shall retain, expose, or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

Church bells  
not rung.

SEC. 144. That no large or church bell shall be rung or tolled at any funeral in either of said cities without a permit therefor from this Board; nor shall such bell be rung or tolled at any other time therein to the prejudice or peril of the life or health of any human being.

Sextons and  
undertakers to  
register names, etc.

SEC. 145. That every person who acts as a sexton or undertaker in the city of New York or Brooklyn, or has the charge or care of any vault, tomb, burying-ground, or cemetery for the reception of the dead, or where the bodies of any human beings are deposited, shall cause his and her name and residence, and the nature of his charge and duties, to be registered with this Board.

Gas, &c., etc.,  
not to escape.  
Vandewater's Laws  
N. Y., p. 1290.  
Act 13th May,  
1846.

SEC. 146. That no person or company being a manufacturer of gas, or engaged about the manufacture thereof, shall throw or deposit, or allow to run, or having the right and power to prevent the same, shall permit to be thrown or deposited into any public waters, river, or stream, or into any sewer therewith connected, or into any street or public place, any gas-tar, or any refuse matter of or from any gas house, works, or manufactory: nor shall any such person or company allow any substance or odor to escape from such house, works, or manufactory, or make any gas of such ingredients or quality that any substance shall escape therefrom or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Nor shall any such person or company fail to use the most approved or all reasonable means for preventing the escape of odors.

Odors to be pre-  
vented.

Fire-arms not to  
be sold or loaned  
for improper  
purposes.  
Laws Brooklyn,  
pp. 336, 339.

SEC. 147. That no person shall sell, loan, or give to, or allow to be taken by any other person, any fire-arm, or other deadly or dangerous weapon, when there shall be any reason for such first-named person to think or believe that any danger to life may illegally result from the giving, loaning, selling, or from the use of such arm or weapon.

Firing of guns  
and blasting.

SEC. 148. That no person shall, except according to a permit or the regulations of this Board, set off or fire any gun or other fire-arm, or rock blast in any public street, alley, or place within the built-up portions of any city in said District, whereby any human life may be imperilled.

Drink dangerous  
to life.

SEC. 149. That no person shall sell or give to any other person or permit such other person to get (having the right and ability to pre-

vent (the same) any drink, when such first-named person may have reason to think or believe that such drink may cause danger or detriment to life.

SEC. 151. That no distiller, or brewer, or other person, shall manufacture, or have or keep for sale, any liquid designed as a drink or beverage for human beings which would be, if used, needlessly dangerous or detrimental to life or health.

*Drink needlessly dangerous to life.*

SEC. 152. That no person shall engage in or encourage any fight, or the dealing of any blow by any human being in said District, against any other human being; nor shall any person permit such fight, having power and authority to prevent the same.

*Fighting.*

SEC. 153. That no person shall race or run or rapidly drive any horse or other animal in a public street or place, or allow the same to so move, or throw or send up any kite, stone, or other substance, or burn or set off any fireworks, fire-crackers, or other substance, whereby, or by reason of which, any human life may be put in danger or peril.

*Horse-racing, fireworks, &c., Brooklyn laws, p. 16.*

SEC. 155. That no keeper, or other officer or person having control or authority in any jail, prison, or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the life or health of any such person, by reason of too little or too much heat, or of a want of food, drink, or ventilation, or from the want or neglect of any other reasonable care, protection, or precaution.

*Prisons to be ventilated and food, etc., provided.*

SEC. 156. That the term "theatre" shall be held to include the building, rooms, and place where any play, concert, opera, circus, trick of jugglery, show, gymnastic, or other exhibition, masquerade, public dance, drill, lecture, address, or other public or frequent gathering or amusement, are, is, or may be held, given, performed, or take place, and the approach and appurtenances thereof.

*Definition of "theatre."*

SEC. 157. That no person, being the lessee, manager, conductor, or owner of any theatre, shall cause, or permit, or allow the same, or any part or appurtenance thereof, to be so far overcrowded, or inadequate, faulty, or insufficient, in respect of strength, ingress, or egress, cleanliness, ventilation, or in any other particular, as that thereby, or by reason thereof, any needless peril shall come or happen to, or be incurred or suffered by, any person being properly at or in any such theatre.

*Theatres not to be overcrowded, or with faulty means of access.*

Duty of school  
teachers, etc.

SEC. 158. That no master or teacher, or manager of or in any school, public or private, or of or in any Sunday school or gymnasium, nor the officers or managers thereof, nor officers or managers, or persons having charge of any place of public worship, shall so far omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil, or attendant, or respecting the temperature, ventilation, or cleanliness or strength of any church, hall of worship, school-house, school-room, or place of practice or exercise, or relative to any thing appurtenant thereto, as that by reason of such neglect or omission the life or health of any person shall suffer or incur any needless peril or detriment.

Pounds.  
H. Laws N. Y.,  
p. 83.  
N. Y. Ordinances,  
1859, p. 425.  
Brooklyn Laws,  
p. 335.

SEC. 159. That no person shall act as or be a keeper of any public pound in the city of New York, except pursuant to a permit from this Board.

That no keeper of any such pound shall allow the same, or any animal therein, by reason of any want of care, food, ventilation, or cleanliness, or otherwise, to be or become dangerous or detrimental to human life or health.

Regulations as  
to pounds.

SEC. 160. That every such pound-keeper shall, from time to time, report to this Board as its special regulations may require, and shall obey and conform to all such regulations; and that in the mean time such pounds shall, in the particulars not herein mentioned, be regulated by the rules heretofore enacted by the proper authorities of said cities respectively.

Dogs to be  
muzzled or led,  
Brooklyn Laws,  
pp. 15, 356.  
N. Y. Ordinances,  
1859, p. 406.

SEC. 161. That no person shall take or call any dog into, or allow any dog to go into any street or public place, in either of the cities of New York or Brooklyn, between the fifteenth day of June and the fifteenth day of September in any year, unless properly muzzled, or unless when being led by a chain or string; and nothing in this section shall repeal or supersede any existing regulations as to such dogs not inconsistent herewith.

New varnish or  
other factories.  
La vs Brooklyn,  
p. 356, § 23.

SEC. 162. That no person shall hereafter erect, start, or establish in any city or village in this District, without the consent of this Board, any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent or alcoholic spirits, or for making any lampblack, turpentine, or tar, or for conducting any other business that will or does generate any unwholesome, offensive or deleterious gas, smoke, deposit, or exhalation, or any business that is or would be dangerous to life or detrimental to health.



SEC. 163. That, except as herein specially or otherwise provided, <sup>Board of Police to enforce ordinances.</sup> or as may be hereafter provided, or as is otherwise made necessary by the laws of the State, the Board of Metropolitan Police shall, through its proper officers and men, and as near as may be according to its existing regulations, or amendments to be made thereto, on advice with this Board, and subject to the supervision of this Board, carry into effect and exercise the sanitary powers heretofore exercised by said Board of Police; and that said Board of Police shall keep this Board regularly advised of its action in that behalf, and shall conform to these and all future ordinances, and to all special regulations of this Board.

SEC. 164. That every person shall observe and obey each and <sup>Special regulations to be obeyed.</sup> every special regulation, and every order of this Board that is or may be made, for carrying into effect any of the foregoing ordinances or powers, or any law of this State, or otherwise, whether issued directly by the Board, or promulgated by its Sanitary Superintendent, as if the same had been herein inserted at length.

SEC. 165. That every person who omits or refuses to comply with, <sup>Penalty.</sup> or who resists any of the provisions of these rules, orders, sanitary regulations, or ordinances, or any of the provisions of said seventy-fourth chapter of the Laws of 1866, or of chapter six hundred and eighty-six of the Laws of 1866, or of chapter nine hundred and fifty-six of the Laws of 1867, or the execution of any order or special regulation of this Board, will be liable to the arrest, suit, penalty, fine, and punishment in said law provided and declared; of all of which notice must be taken.

SEC. 166. No owner, agent, or consignee of any vessel or cargo, <sup>Vessels clearing from quarantine not to land without permit</sup> and no officer of any vessel (in respect of either of which vessel or cargo a permit, according to any law, ordinance, or regulation, shall or should have been obtained to pass quarantine, or to come up to the water front of the city of New York or Brooklyn) shall unlade or land, or cause to be unladen or landed, such cargo, or any part thereof, in either of said cities, without having first received the written permit of this Board so to do; and for the city of Brooklyn such permits shall be obtained of the Assistant Sanitary Superintendent at the Court House in Brooklyn, and for the city of New York, of the Superintendent of this Board at number 301 Mott street.

SEC. 167. No person owning, occupying, or having charge of any <sup>Dogs, etc., in stables.</sup> stable or other premises, shall keep or allow thereon or therein any dog or other animal which shall by noise disturb the quiet or repose

of those or any one therein or in the vicinity, to the detriment of the life or health of any human being.

Filling grounds.

SEC. 168. No animal or vegetable substance, nor street-sweepings, muck, or silt, nor dirt gathered in cleaning yards, buildings, docks, or slips, nor waste of mills or factories, nor any materials which are offensive, or tend by decay to become putrid or to render the atmosphere impure or unwholesome, shall be deposited or used to fill up or raise the surface or level of any lot, grounds, dock, wharf, or pier in or adjacent to the built-up portions of said District, or any ground filled for the purpose of building thereon, unless pursuant to a special permit from this Board.

The foregoing is a true copy of the "Code of Sanitary Ordinances" of the Metropolitan Board of Health, as the same appears among the records of said Board.

EMMONS CLARK,  
*Secretary.*

I, EMMONS CLARK, Secretary of the Metropolitan Board of Health, do hereby certify that the foregoing is a correct, full and complete copy of the Code of Sanitary Ordinances, and of Orders, Regulations, and Rules, duly enacted by said Board, and that the same have been duly published twice a week for three weeks in the *New York Daily Times* and in the *New York Evening Post*, newspapers published in the City of New York, and in the *Brooklyn Union*, a newspaper published in the City of Brooklyn, and have been duly published to render the same valid and effectual as required by law. And, I further certify that the foregoing Code, Orders, Rules, and Regulations are true, accurate, and complete copies of records and papers on file in the office of said Board and in my charge as such Secretary, and that they form a part of the Archives of said Board.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. } ss.

THEODORE L. PEVERELLY, being duly sworn, saith that he is Principal Clerk in the office of the *New York Times*, a newspaper printed and published in the City of New York; that the advertisement hereto annexed has been regularly published in the said *New York Times* twice a week three weeks successively, commencing on the 24th day of July, 1867.

Sworn to before me this 14th day  
of August, 1867. }

THEODORE L. PEVERELLY.

CORNELIUS R. DISOSWAY,  
*Notary Public.*

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. } ss.

HENRY DITHMAR of the City of New York, being duly sworn, says he is Foreman of the office of the *Evening Post*, a daily paper, printed and published in the City of New York, and that the notice, of which the annexed is a printed copy, has been regularly published in the said *Evening Post* twice in each week for three weeks successively, commencing on the 23d day of July, 1867.

Sworn before me this 13th day  
of August, 1867. }

HENRY DITHMAR.

JOHN BUTCHER,  
*Commissioner of Deeds,  
City and County of New York.*

STATE OF NEW YORK, } ss.  
CITY OF BROOKLYN, }

ROBERT D. KELLY of the City of Brooklyn, in the County of Kings, being duly sworn, says that he is Foreman in the office of the *Brooklyn Daily Union*, a daily newspaper, printed and published in the City of Brooklyn, County of Kings aforesaid, and that the notice, of which the annexed is a true copy, has been published in said newspaper twice in each week for three weeks successively, commencing on the 24th day of July, 1867.

Sworn to this 10th day of  
August, 1867, before me }

JAMES G. COOPER,  
*Notary Public.*

ROBERT D. KELLY.

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L A W S

OF THE

STATE OF NEW YORK,

RELATING TO THE

Metropolitan Board of Health,

AND TO THE

Metropolitan Board of Excise,

PASSED IN 1866 & 1867.



NEW YORK:

BERGEN & TRIPP, STEAM PRINTERS,

114 NASSAU STREET.

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1867.



# LAWS OF 1866.

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## CHAPTER 74.

AN ACT to Create a Metropolitan Sanitary District and Board of Health Therein, for the preservation of Life and Health, and to Prevent the Spread of Disease. Passed February 26, 1866, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. So much of the territory of the State of New York, and of the cities, villages and towns thereof, as now com- Limits of dis-  
trict.  
poses the Metropolitan police district of the State, of New York, shall constitute, and is hereby declared, a district to be known as "The Metropolitan Sanitary District of the State of New York."

§ 2. Within fifteen days after the passage of this act the Governor shall nominate, and, by and with the consent of the Senate, shall appoint four suitable persons, residents of said district, three of whom must be physicians, and one of whom shall be a resident of the city of Brooklyn, who, with the Health Officer of the port of New York for the time being, shall be Sanitary Commissioners in and for said district; and the said Sanitary Commissioners, Sanitary Com-  
missioners.  
together with the Commissioners, for any time being, of the Metropolitan Police, (not exceeding four, and being the present four and their successors,) shall constitute a board of health for the said Metropolitan sanitary district, and said board shall be denominated "The Metropolitan Board of Health;" any five members of which, at any regularly called or adjourned meeting, shall organize and constitute a quorum for the transaction of business; and the phrase "said board," or "the board," when used herein unless clearly referring to some other body, shall be construed to mean said "The Metropolitan Board of Health" and the phrase Designation of  
Board.  
"said district," or "the district," unless the same clearly refers Quorum.  
Mean'ng of  
phrase.

to some other district, shall be construed to refer to said "The Metropolitan Sanitary District of the State of New York." And the term "sanitary commissioners" shall refer to the members of said board who are not also members of the Board of Police, and whenever the words "police," "board of police," or "police commissioners" are used in this act, they shall be taken and construed to mean the "Board of Metropolitan Police Commissioners of the Metropolitan police district of the State of New York." And whenever the words "place, matter or thing," or either two of said words, are used in this act, they shall, unless the sense plainly requires a different construction, be construed to include whatever is embraced in the enumeration with which they are connected in either and both clauses of the fourteenth section of this act.

Official term of  
first Commis-  
sioners.

§ 3. The said four persons so appointed shall hold office as such Sanitary Commissioners respectively for the terms following namely: One for one year, one for two years, one for three years and one for four years, and until their successors are appointed and qualified. Immediately after the appointment of said four persons as aforesaid, they shall meet in the office of the Secretary of State, and shall proceed, under his direction, to determine by lot which of them shall hold, for the respective terms of one, two, three, and four years, the said office of Sanitary Commissioner. Immediately, and before entering upon the duties of the office, they shall take the oath prescribed for State officers by the constitution of the State, and shall file the same in the office of the Secretary of State, who upon receiving the said oath of office, shall issue to each of said commissioners a certificate of appointment for his respective term of office so determined as aforesaid; upon receiving which they shall severally be and become Sanitary Commissioners, and shall possess and exercise the powers and perform the duties of said board as defined in this act.

Oath.

Term of Office  
and appoint-  
ment of subse-  
quent commis-  
sioners.

Vacancies.

§ 4. The term of office of each of the said Sanitary Commissioners, after the expiration of the terms aforesaid, shall be four years, and they shall be appointed upon the nomination of the Governor, by and with the advice and consent of the Senate. Any vacancies that may occur by reason of death, resignation, removal from office or otherwise, shall be filled in like manner, But if any vacancy shall occur during the recess of the Senate, the Governor may fill such vacancy by appointment, and the person so appointed shall hold office until twenty days after the next meeting of the Senate.



§ 5. \* Immediately after the four appointed Sanitary Commissioners shall have taken the oath of office as above provided, they shall meet with the Commissioners of the Metropolitan Police, and the Commissioners of Metropolitan Police with them and the Health officer of the port of New York, and organize as a Board of Health by electing one of said Board to be President, and one of said Board to be Treasurer thereof, and by appointing a proper person to be Secretary of said Board. And the successive Presidents of said Board of Health shall be annually elected by the said Board from the members thereof, and the successive Treasurers shall be members of said Board; but the Secretary shall not be a member of the Board. The Treasurer and Secretary shall respectively continue in office as such until removed by the election of a successor or otherwise. The said Sanitary Commissioners shall each receive a salary of two thousand five hundred dollars a year; and each Police Commissioner who may be a member of said Board of Health, and the Health officer, shall as such receive a salary of five hundred dollars a year;† and the member of said Board of Health, who acts as Treasurer, shall receive an additional compensation of five hundred dollars a year for his services as Treasurer. All salaries allowed under this law shall be payable as the Board shall provide. But for every regular or special meeting of said Board, which any Sanitary Commissioner or the Secretary shall fail to attend, there shall be deducted from the salary of the person so failing the sum of ten dollars; and for every failure of a Police Commissioner, or of said Health officer to attend any such meeting, there shall be deducted from his said salary the sum of two dollars; and it shall be the duty of the Treasurer to see that all such deductions are made before payments of said salaries.‡ The Board may appoint a Corresponding Secretary at an annual salary not exceeding one thousand dollars.

§ 6. The President of the said Board shall preside and preserve order at the meetings of the Board; and in case of the absence of or inability of the regular Secretary to attend, he shall appoint a Secretary *pro tem.*, who, for the time being, may perform any duty of the Secretary.¶ The President shall have all the power and authority given to the "City Inspector," in the six hundred and forty-sixth chapter of the laws of eighteen hundred and sixty-

\* Amended, Laws of 1866, Chapter 686, Section 4.

† Amended, Laws of 1867, Chapter 956, Section 16.

‡ Amended, Laws of 1866, Chapter 686, Section 4.

¶ Amended, Laws of 1867, Chapter 956, Section 1.

five, (passed May first, eighteen hundred and sixty-five), in respect to the making, awarding or executing of a contract or contracts for street cleaning, or any matter thereto pertaining. But nothing herein contained shall be construed as effecting in any manner the validity of any contract heretofore made by virtue of said act. And the Board at any time, in the absence of the President or Secretary, may elect a President or Secretary *pro tem.* from their number, who shall exercise the powers of such officers respectively.\* The Secretary shall, subject to the direction of said Board, keep and authenticate its acts, records, papers, and proceedings, preserve its books and papers, conduct its correspondence and aid in accomplishing the purposes of this law, as the Board may direct; and said officer (as well as the other officers and agents appointed by said Board) shall be subject to removal by the Board for cause, to be entered in its minutes, and said Board may appoint his or their successor; and his salary, to be fixed from time to time by the Board, shall not exceed three thousand five hundred dollars annually. Said Board may design and adopt a seal and use the same in the authentication of its orders and proceedings, commissioning its officers and agents, and otherwise, as the rules of the Board may provide.

§ 7. The Treasurer of said Board shall be the fiscal officer of the Board. He shall hold, and on check and voucher, duly disburse, as said Board may order, and for the purposes of and in conformity to this act, the moneys he may receive, or belonging to the fund herein provided; and shall deposit the same when paid, to him by the Treasurer of the State of New York, or otherwise, and pending the regular disbursement thereof, in a bank or banks in the city of New York designated by such last named officer. He shall execute a bond, with not less than two sureties, conditioned in a penalty of thirty thousand dollars, to the people of the State of New York, for the faithful discharge of his duties as such Treasurer. The sureties, not less than two in number, shall justify before a Justice of the Supreme Court, in the aggregate in a sum not less than twice the last named amount; but before the said Treasurer shall enter upon his duties the said bond shall be approved by and filed with the Comptroller of the State. The Treasurer shall keep, or cause to be kept, books showing all his receipts and payments, and shall preserve his vouchers therefor; and should any collections ever be made on such bond, or in suits or proceedings, or otherwise, by said

\* Amended, Laws of 1867, Chapter 936, Section 1.

Board, the amount thereof shall be received and accounted for by the Treasurer, or in case of collection on his bond, by the recipient thereof, to the State Treasurer, and be deposited in the bank or banks aforesaid, applied for the legitimate uses of said Board, or as herein elsewhere provided.

§ 8. Any sanitary commissioner of said Board who shall accept or hold any political or municipal office during his term of office, or shall be publicly nominated for any office elective by the people, and shall not, within ten days succeeding his knowledge thereof, publicly decline the said nomination, shall, in either case, be deemed thereby to have vacated his membership of said Board, and the vacancy so created shall be filled as is provided as to other vacancies; but membership of this Board shall not affect membership in the Board of Police or the office of Health officer.

Hold no other office.

§ 9. Any member of the said Board may, at any time, be removed from office by the Governor, under the provisions of the laws relative to the removal of sheriffs from office, which provisions are hereby extended so as to relate to the members of said Board; but before such removal, such member shall be served with specific charges, stating the dereliction of duty complained of, and shall be afforded an adequate opportunity to publicly answer the same and to make his defence thereto, upon reasonable notice to be given him; and on the application of the Governor, or the party charged, any judge of the Supreme Court shall have as full power and authority to compel the attendance and examination of witnesses, touching such charges or defence, and the production of books and papers relating thereto, at the place and time where the aforesaid proceedings or hearing may take place, as is given herein in respect to the examination of witnesses, or the production of papers, on the application of said Board, in the fourteenth section of this act. And it shall be the duty of such judge (and of any other judge named in said section) to exercise such authority, and to take or supervise the taking of such examination to be used on the hearing of such charges or defence. And if, by removals or other cause, the members of the Board shall be less than five (but not less than three,) the existing members shall still constitute a Board, competent, by unanimous action to exercise the powers delegated by this act.

Removal of Commissioners.

Powers of Board when less than five.

§ 10. Said Board shall have power to create a chief executive office, and appoint a suitable person to fill such office, who shall be an experienced and skillful physician, resident in said district, whose full name of office shall be, "The Sanitary Superintendent

Sanitary Superintendent.

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Salary of Superintendent.  | of the Metropolitan Sanitary district of the State of New York." but he may be designated as "Sanitary Superintendent." It shall be the duty of said officer, as he may be directed, to execute, or cause to be executed, the orders of said Board, and generally, according to its instruction, to exercise a practical supervision in respect to the inspectors, agents and other persons (other than the Secretary, Treasurer and members of the Board, or the members of the police force,) who may exercise any authority under this act; and said officer shall devote his services to the aforesaid purposes as the Board may from time to time direct. He shall be entitled to receive a salary to be fixed by the Board, which shall not exceed five thousand dollars annually.* Such Superintendent shall make reports weekly, or oftener, if directed by the Board, in writing, stating generally his own action and that of his subordinates, and the condition of the public health in said district, and any causes endangering life or health that have come to his knowledge during said period. And said Board may appoint two "Assistant Sanitary Superintendents," one of whom shall be a resident of the city of Brooklyn, and shall principally perform his duties in that city, whose duties shall be of the same nature as those of the last named officer; and their salaries, not to exceed thirty-five hundred dollars a year each, shall be fixed by the Board.† |
| Assistant Superintendents. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Salary of Assistants.      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Sanitary Inspectors.       | § 11. Said Board may appoint and commission such number of "sanitary inspectors" as the Board may deem needful, not exceeding fifteen, and, from time to time prescribe the duties and salaries‡ of each of said inspectors and the place of their performance (and of all other persons exercising any authority under said Board, except as herein specially provided;) but at least ten of such inspectors shall be physicians of skill and of practical professional experience in said district, and the residue thereof shall be selected with reference to their practical knowledge of scientific or sanitary matters, which may especially qualify them for such inspectors. Each of such inspectors shall, twice in each week, make a written report to said Board, stating what duties he has performed and where he has performed them, and also such facts as have come to his knowledge, connected with the purposes of this act as are by him deemed worthy the attention of said Board, or as its regulations may require of him; and such, and the other reports herein elsewhere mentioned, shall be                                                                                                                                                                                                                                                                                                                                                                      |
| Duties of Inspectors.      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Reports preserved.         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

\* Amended, Laws of 1867, Chapter 956, Section 15.

† Amended, Laws of 1867, Chapter 956, Section 15.

‡ Amended, Laws of 1867, Chapter 956, Section 15.



preserved among the records of said Board. The Board may also employ such number of clerks and servants, and fix their salaries, and take such legal advice and employ such attorneys, as may be necessary to the efficient, safe and economical discharge of the duties by this act devolved on said Board. And may also rent, lease, fit up and furnish such offices as the convenience of the Board, its officers, agents and employees, and the prudent and proper discharge of the duties of the Board may require; and may make such incidental and additional expenditures, having due regard to economy, as the purposes and provisions of this act and the dangers to life and public health may justify or require; and may provide that any failure of any officer, agent or employee of the Board to duly fulfill his engagements or discharge his duty, shall cause a forfeiture of the whole or any less portion of the salary or compensation of such officer, agent or employee, as the rules or practice of the Board may provide. And the Board of Police is authorized to allow the Board of Health to occupy a portion of its premises.

Clerks.

Attorneys.

Offices.

Incidental expenses.

Forfeiture of pay.

Offices.

§ 12. \*The authority, duty and powers, whether given by any law, or by any ordinance made thereunder heretofore (for the purpose of preserving or protecting life or health, or preventing disease) conferred upon or now belonging to, or being exercised by the board of health, or the board of public health of or in the city of New York, or of or in the city of Brooklyn, or elsewhere in said district, the mayor and common council of either of said cities, the mayor of the city of New York, by and with the advice and consent of the board of aldermen, the president of the board of aldermen, the president of the board of assistant aldermen (or councilmen,) the resident physician, the health commissioner, the mayor and the commissioners of health, the commissioners of health, the city inspector, (or the city inspector's department) of either of said cities; or conferred upon or now belonging to any two or more of the said bodies or officers, or last named boards or departments, or to any board of health or health officer or agent in said district, or exercised by any officer or person appointed by or deriving authority from any one or more of the bodies, officers, departments or last named boards (so far as said powers and authority can be exercised and such duty performed by the board hereby created, without interference with the proper discharge of the duties, other than sanitary duties, heretofore imposed upon the board of metropolitan

Board to have powers heretofore exercised by other boards and officers.

\* Amended, Laws of 1866, Chapter 686, Sec. 3.

police), are hereby exclusively conferred upon, and shall hereafter be exclusively exercised by the aforesaid "The Metropolitan Board of Health;" the members and officers thereof, as herein provided; and the same are to be exercised as herein set forth, (and to such an extent and in such place and manner as said Board may provide,) for the greater protection and security of health and life in said district, and the appropriate parts thereof; and after this act goes into effect no salary or compensation shall be paid to any officer, board or agent, or in respect to any service, expenditure or employment under the authority of any health law, ordinance, regulation, or appointment of or in said cities, or any part of said district, unless such salary, expenditure or employment shall be authorized by the Board hereby created and contemplated by the provisions of this act.\* And the aforesaid power, duty and authority hereby transferred to and conferred upon said Board shall be held to include all the power, duty and authority given, or conferred or purporting to be given or to be conferred to or upon any person, officer or board, in or by any ordinance contained or purporting to be contained in the first ten chapters of ordinances, being numbered from one to ten inclusive in a compilation of "Laws and Ordinances relative to the Preservation of the Public Health in the city of New York," and purporting to be published under the authority and by the direction of the Mayor and Commissioners of Health of said city, in the year one thousand eight hundred and sixty, and by any existing amendments and additions thereto. But no fees of any kind shall be charged for the performance of any duties imposed by said ordinances. And said board shall also possess (and may exercise by its own agents, or by order to be executed by said board of police,) throughout said district, all the power and authority for the protection of life or health, or the care or preservation of health, or persons diseased or threatened therewith, conferred by any law or ordinance relating to any part of said district, and especially by the act of the seventeenth of April, eighteen hundred and fifty-four (being the three hundred and eighty-fourth chapter of the laws of eighteen hundred and fifty-four,) upon the Mayor, Common Council, Board of Health, or the Health Officers, (or upon any two or more of them, or other officers) in said act mentioned. But the powers and authority in this section given shall not be held to interfere with the powers and duties of the Croton Aqueduct Board, Street Commissioner,

How to be exercised.

Cities to pay no salaries.

Power conferred by certain Ordinances of New York, transferred to Board.

No fees.

Powers given by Brooklyn charter transferred to Board.

What boards not to be affected.

\* Amended, Laws of 1866, Chapter 686, Section 8.

Superintendent of Unsafe Buildings, Comptroller of New York city, or the board authorized to contract for street cleaning (under the law of eighteen hundred and sixty-five;) nor shall anything in the aforesaid laws or ordinances contained be construed as a limitation of any power in this bill elsewhere given to the said board, or to limit the penalties and expenses it may enforce or collect; and all the power recited or given by said ordinances shall belong wholly to said board, who may exercise the same without the advice, assent or co-operation of any municipal board or officer, and in any manner not inconsistent with the other sections of this law, without being limited to the means or by the procedure in said ordinances stated. And no municipal body or other authority in said district shall hereafter create or employ any officer or agent, or incur any expense, under any of said (or other) health laws or ordinances, or in any respect of any matter concerning which said board is by this act given control or jurisdiction. All the aforesaid powers are to be possessed and exercised as fully as if herein repeated and separately conferred upon said board.

Municipal authority not to interfere.

Nor appoint officers or incur expense.

§ 13. Said Board shall possess all the authority and be charged with all the duties conferred or imposed on the City Inspector of the City of New York, by the act passed on the second day of April, one thousand eight hundred and fifty-three, or by any and all acts relative to births, deaths or marriages; and the duty of all persons and officers in any such (or any aforesaid) acts mentioned shall hereafter be the same, in respect to said Board, as if said law or laws had contained the name of said Board instead of that of the City Inspector of the City of New York (or other officer,) and said acts are hereby extended throughout said district;\* but the powers now possessed by the City Inspector with reference to the inspection of weights and measures, are hereby conferred upon the Mayor of the City of New York. And it shall be the duty of said Inspector, and of whoever may have possession or control thereof, to transfer and deliver to said Board all public books, records, statistics and papers in his or their possession, or under his or their official or personal control, and to give such information to said Board as he or his department may possess relative to any matter in this section, or in either of said last mentioned laws referred to, and his authority and duty under said laws shall cease when this act goes into effect, and the Justices of the Supreme Court shall

Births, deaths and marriages.

Weights and Measures.

City Inspector to deliver books, &c.

\* Amended, Laws of 1867, Chapter 956, Section 11.



No fees to be demanded.

Duty to report births and deaths.

Penalty for omission.

What Board may order done.

Declare nuisance.

have jurisdiction to enforce this provision by mandamus. And said Board shall perform all the duties by this section imposed, as a part of its regular duties, and no fees shall be demanded or received by reason thereof or anything in said act or acts contained. It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said district, (and if there be no parent alive that has made such report, then of the next of kin of such child born,) and of every person present at such birth, within five days after such birth or death, to report to said Board in writing, so far as known, the date, ward and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity, last occupation and cause of death of such deceased person, and the ward and street, and place of such person's death and last residence. And for every omission of any person to make and keep the registry required by the acts referred to in this section, and for every omission to report a written copy of the same to said Board within ten days after any birth or marriage provided to be registered, and for every omission by any person to make the report of any death or birth, with the particulars as herein required, any person guilty of said omission shall be liable to pay a fine of ten dollars, which may be sued for and recovered in the name of said Board, for the benefit of said Board. But no person shall be liable for such fine for not making the report herein required, if he or she shall prove that such report had been made to the Board by some other person before suit brought for such penalty, or that he or she was ignorant of such birth or death.\*

§ 14. *First*—Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in said district, shall, in the opinion of said Board (whether as a whole or in any particular,) be in a condition or in effect dangerous to life or health, said Board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance, or dangerous to life or health; and said Board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered or otherwise improved or purified, as said or-

\* See Laws of 1867, Chapter 956, Section 11,



der shall specify; and shall cause said order, before its execution, to be served on the owner, occupant or tenant thereof, or some of them, which to said Board, may appear most directly interested in its execution, provided said parties, or any of them, are in said district and can be found, and such service can be conveniently made,\* and if any party so served, (or intended to be according to this law,) shall, before its execution is commenced, or within three days after such service or attempted service, apply to said Board, or the President thereof, to have said order or its execution stayed or modified, it shall then be the duty of said Board † to temporarily suspend or modify said order or the execution thereof, (save in cases of imminent danger from impending pestilence, when said Board may exercise extraordinary powers, as herein elsewhere specified,) and to give such party or parties together, as the case in the opinion of the Board may require, a reasonable and fair opportunity to be heard before said Board, and to present facts and proofs, (according to the rules or directions of said Board,) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the Board.‡ and the Board shall enter in its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine.¶

Service of orders.

Impending pestilence.

Hearing.

*Second.*—Said Board may order or cause any excavation, erection, vehicle, vessel, water-craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing (in said district or adjacent waters) regarded by said Board as in a condition dangerous or detrimental to life or health, to be purified, cleaned, disinfected, altered or improved; and may also order any substance, matter or thing, being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private,) and which said Board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said Board, is already provided. The said Board may require the

What Board may order done.

\* See Laws of 1867, Chapter 956, Section 5, and Laws of 1867, Chapter 908, Section 9.

† Amended. Laws of 1866, Chapter 686, Section 6.

‡ See Laws of 1867, Chapter 956, Section 12.

¶ Amended, Laws of 1866, Chapter 686, Section 6. Laws of 1867, Chapter 956, Section 10.

Police to execute orders.

Health Board may execute its own orders.

§53 and 54 of Act of 25th April, 1864.

Health powers of police transferred to Board of Health.

Service of orders.

Service of order.

said Board of Police to execute any of the orders referred to in this act. It shall be the duty of the Board of Police to execute the orders of the said Board of Health, and the said Board of Police may employ the necessary persons and means about such execution. Or the said Board of Health, if it shall consider the public health or interests so to require, may execute such orders through its own officers or persons, and means to be engaged by the said Board of Health; and about the execution of the said orders, both the said Board of Police and the said Board of Health shall have, each as well as the authority conferred by this act as all the powers and authority conferred by the fifty-third and fifty-fourth sections of the Metropolitan Police act, passed on the twenty-fifth day of April, eighteen hundred and sixty-four, and of any amendments made to said act or to be made enlarging such authority and all powers and authority possessed and exercised by said Board of Police under said act pertaining to sanitary matters, or in conflict with the objects and purposes of this act, shall hereafter be enjoyed, possessed and exercised by said Board of Health, and the orders of the kind in this section secondly mentioned shall, if the proper person or persons are known to the Board, and can be conveniently found in said district, on whom to make the service, be served upon one or more of the owners, occupants, lessees or tenants of the subject matter to which said order relates, or upon one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of said Board;\* and if said order is not complied with, or as far complied with as the Board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which, in case of pestilence, the Board may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said Board. And if personal service of any aforesaid order cannot be made under this section by reason of absence from said district, or inability to find such persons therein, to be shown by the official certificates of the officer having such order to serve, then service may be made through the mail, or by a copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion, and the expenses attending the execution of any and all such orders respectively shall be a several and joint

\* Amended, Laws of 1867, Chapter 956, Section 5; Chapter 908, Section 9.

personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, business, place, property, matter or thing to which said order relates, and in respect of which said expenses were incurred;\* and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter or thing which said order requires, and said expenses shall also be a lien on all rent and compensation due, or to grow due, for the use any place, room, building, premises, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also from the time of filing, as aforesaid, † a lien on all compensation due or to grow due for the cleaning of any street, place, ground or thing, or for the cleansing (or removal) of any matter, thing or place, the failure to do which by the party bound so to do, or the doing of the same in whole or in part by order of said Board, was the cause or occasion of any such order or expense.‡ Said Board of Health, its assignee, or the party who has under its order, or that of the Board of Police, acting thereunder, incurred said expense, or has rendered service for which payment is due, and as the rules of said Board of Health may provide, may institute and maintain a suit against any one herein declared liable for expenses as aforesaid, or against any person, firm or corporation owing, or who may owe such rent or compensation, and may recover the expenses so incurred under any order aforesaid.§ And only one or more of such parties liable or interested may be made parties to such action as the Board may elect; but the parties made responsible as aforesaid for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them. And it is hereby declared to be the duty of every owner and part owner and person interested, and of every lessee, tenant and occupant of, or in any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in said district, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer and Board having charge of any ground, place, building or erection therein, to

Expenses a charge.

Expenses a lien on rent and compensation.

Action by assignee.

Parties to suit.

Every body's duty to clean, drain, &c.

\* See Laws of 1867, Chapter 956, Section 13.

† Amended, Laws of 1866, Chapter 686, Section 5.

‡ See Laws of 1867, Chapter 956, Section 13.

§ See Laws of 1867, Chapter 956, Section 13.

Authority of Board to be presumed.

Arrests by Inspectors, &c.

Arrests ordered by Board.

Proof, by whom taken.

Officers may administer oaths.

Judge may order examination.

keep, place and preserve the same, and every part, and the sewerage, drainage and ventilation thereof, in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health. And in any suit in this action, or elsewhere in this act, authorized to be brought, the right of said Board or the Board of Police to make any order or cause the execution thereof, shall be presumed. Any member of the police force, and every inspector or officer of said Board of Health, as the regulations of either of said boards may respectively provide relative to its own subordinates, may arrest any person who shall in view of such member or officer, violate, or do or be engaged in doing, or committing in said district any act or thing forbidden by this act, or by any law or ordinance, the authority conferred by which is given to said Board of Health, or who shall in such presence, resist, or be engaged in resisting the enforcement of any of said orders of said Board, or of the Board of Police pursuant thereto. And any person so arrested shall be thereafter treated and disposed of as any other person duly arrested for a misdemeanor. And said Board of Health, having first entered on its minutes, or filed in its records, what it may regard as adequate proof of a violation or resistance by any person in said district, of any such law, ordinance or order, may order (by its warrant, under its seal and attested by the signature of its president and secretary, and indicating, as far as conveniently practicable, the time, place and nature of the offence committed) the arrest of any such person, and such order of arrest shall be of the same effect and shall be executed as a warrant from a justice or judge, duly issued; and the party arrested shall be taken before a magistrate, and thereupon and thereafter shall by all officers, be treated as being and have the rights and liability of a party under arrest by order of the proper officer or tribunal, for a misdemeanor of the nature indicated in the said order of arrest.

Proofs, affidavits and examinations as to any matter under this act may be taken by or before one or more members of the Board, or other person, as the Board shall authorize; and the secretary, the sanitary and assistant superintendents, and any member of said Board shall, severally, have authority to administer oaths in such matters, and any person guilty of wilfully testifying falsely shall incur all the pains and penalties of perjury. Any judge of the Supreme Court of any judicial district, wholly or partly within said sanitary district, or who is holding court or chambers therein, upon the written application of said Board or its president, to be made by or through its attorney or counsel,



may issue his order by him subscribed, for the examination without unreasonable delay by or before such justice, of any person or persons, and the production of books and papers, or the inspection and taking of copies of the whole or parts thereof, at a time and place within said district, and in said order to be named; and it shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by said judge, and with any copies of books or papers be delivered to said Board or its secretary, for the use of said Board. And such examination, and any proceeding connected therewith or under said order, may wholly or in part be had, conducted or continued by or before any other of said judges, as well as that one thereof who made said order; and in and about the same, every such judge shall have as full power and authority to punish for contempt, and enforce obedience to his said or other order or directions respecting the matter aforesaid (or that of any other judge,) as any such judge or the Supreme Court may now have or shall possess to enforce obedience or punish contempt in any case or matter whatever. Such application shall name or describe the person or persons whose examination is sought (and so far as possible the books or papers desired to be inspected,) and the matters or points affecting life or health in said district as to which said board requests the same to take place, and the judge shall, on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be used in any criminal proceeding. Service of any order of any such judge may be made, and the same proved in the same manner as the service of either an injunction or of a subpoena may now be made or proved. And it shall be the duty of all said judges to facilitate the early determination of the aforesaid proceedings.

How conducted

And enforced.

What application to contain

How judge's order served

§ 15. It shall be the duty of said Board to give all information that may be reasonably requested concerning any threatened danger to the public health, to the Health Officer of the port of New York, and to the Commissioners of Quarantine of said port, who shall give the like information to said Board; and said Board and said Officer and said Quarantine Commissioners shall, so far as legal and practicable, co-operate together to prevent the spread of disease, and for the protection of life, and for the promotion of health, within the sphere of their respective duties;

Board to give and receive information.

Powers of Health Officer and Quarantine Commissioners reserved.

and the authority and power of said Health Officer and Quarantine Commissioners is not by this act affected, save as last afore-said, anything herein elsewhere to the contrary notwithstanding.

Board to ascertain and prevent disease.

§ 16. And said Board shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said district; and shall promptly cause all proper information, in possession of said Board to be sent to the local health authorities of any city, village or town in this State which may request the same, and shall add thereto such useful suggestions as the experience of said Board may supply. And it is hereby made the duty of said health authorities to supply the like information and suggestions to said Metropolitan Board of Health. And said Board may take measures, and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said district, as in its opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said district, to be by them designated, any person sick with small pox or other contagious disease.\* And in the presence of great and imminent peril to the public health in said district, by reason of impending pestilence, it shall be the duty of said Board to take such measures and to do and order, and cause to be done, such acts and make such expenditures (beyond those duly estimated for or provided) for the preservation of the public health (though not herein elsewhere or otherwise authorized) as it may in good faith declare the public safety and health to demand, and the Governor of the State shall also in writing approve.

To inform and be informed by such boards.

Vaccination and medical relief.

When pestilence impending to take extraordinary measures.

Six members to concur.

But the exercise of this extraordinary power shall also, so far as it involves such excessive expenditures, require the written assent of at least six members of the Board. And such peril shall not be deemed to exist except when, and for such period of time, as the Governor of the State, together with said Board, shall declare by proclamation the same to exist or continue.

Police to report danger to health.

§ 17. It shall be the duty of said Metropolitan Police Board (and of its officers and men, as the last named Board shall direct) to promptly advise said Metropolitan Board of Health of all threatened danger to human life or health, and of all matters thought to demand its attention, and to regularly report to said Board of Health all violations of its rules and of said ordinances and of the health laws, and all useful sanitary information.† And

And violations of ordinances.

\*Amended, Laws of 1867, Chapter 956, Section 8.

† Amended, Laws of 1867, Chapter 956, Section 2.

said last named Boards shall, so far as practicable and appropriate, co-operate for the promotion of the public health and the safety of human life in said district. And it shall be the duty of said Metropolitan Police Board, by and through its proper officers, agents and men, to faithfully and at the proper time enforce and execute the sanitary rules and regulations, and the orders of said Board of Health (made pursuant to the power of said Board of Health,) upon the same being received in writing and duly authenticated, as said Board of Health may direct. And said Police Board is authorized to employ and use the appropriate persons and means, and to make the necessary and appropriate expenditures for the execution and enforcement of said rules, orders and regulations, and such expenditures so far as the same may not be refunded or compensated by the means herein elsewhere provided, shall be paid as the other expenses of said Board of Health are paid. And in and about the execution of any order of the Board of Health or of the Board of Police made pursuant thereto, police officers and policemen shall have as ample power and authority as when obeying any order of or law applicable to the Police Board, or as if acting under a special warrant of a justice or judge, duly issued, but for their conduct they shall be responsible to the Board of Police and not to the Board of Health.

Police to execute orders.

Police to employ persons, &c.

Authority as under special warrant.

§ 18. It shall be the duty of said Board, so far as it may be able without serious expense, to gather and preserve such information and facts relating to deaths, disease and health, from other parts of this State, but especially in said district, as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers and boards of health in the State to communicate to said Metropolitan Board of Health copies of their reports, and also such sanitary information as may be useful in said district. And said Board shall keep records of its acts and proceedings as a Board, and of the execution of its orders, so far as reasonably practicable.

Facts as to deaths, &c.

Sanitary reports to be communicated to Board.

Records kept.

§ 19. It shall be the duty of said Board, on or before the first Monday of December in each year, to make a report in writing to the Governor of this State, upon the sanitary condition and prospects of said district; and such reports shall set forth generally the statistics of births, deaths and marriages, the action of said Board and of its officers and agents, and the names thereof for the past year, and may contain other useful information, and

Annual report.

What to contain.

shall suggest any further legislative action or precautions deemed proper for the better protection of life and health, as well in other parts of the State as especially in said district. Such annual report may contain the sanitary rules and by-laws adopted by the Board hereby created. And the annual report of said Board shall also contain a detailed statement, under the oath of the treasurer, of all money received and paid out by said Board, or its treasurer, and a detailed statement of the manner of its expenditure during the year last past, and of the funds on hand. Said Board may annually have, not exceeding one thousand copies of said report, printed in an economical form, at the expense of said Board, and may distribute the same as shall be best adapted to promote the purposes of this law; but a copy of said report shall be sent to each duly organized Board of Health in the State of New York which may have requested such copy, and shall have furnished said Board with a copy of its own annual report.

May print report.

By-Laws, &c.

Publish By-Laws.

Code of health.

Penalty.

§ 20.\* Said Board may enact such by-laws, rules and regulations as it may deem advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution or laws of this State, for the regulation of the action of said Board, its officers and agents, in the discharge of its and their duties, and for the protection of life and public health; and from time to time may alter, annul or amend the same. And said Board shall, in like manner, before said rules and ordinances take effect, and for more fully carrying into effect the intents and purposes of this act, annually, on or before the tenth day of May in any year, make and publish the same twice a week for three successive weeks next thereafter, in two daily newspapers published in the city of New York, and in one daily newspaper published in the city of Brooklyn, a "code of health ordinances" for the protection of the public health in said district, to take effect on and after the first day of June next thereafter following, and to remain in full virtue, force and effect within said district for the term of one year, unless annulled;† and all courts and tribunals, or any judge or justice thereof, shall take cognizance of and give effect to said ordinances and the several parts thereof, and may enforce such ordinances by a penalty not exceeding fifty dollars for each offence, recoverable in any justice's or district court, with costs; but nothing in this section contained shall be construed as in any manner limiting any powers herein elsewhere contained.‡

\* Amended, Laws of 1866, Chapter 636, Section 1.

† Amended, Laws of 1866, Chapter 657, Section 1; Laws of 1867, Chapter 956, Section 10.

‡ Amended, Laws of 1866, Chapter 656, Section 1; Laws of 1867, Chapter 956, Section 10.



§ 21. Said Board shall cause to be kept a general complaint book, or several such books, in which may be entered by any person, in good faith, any complaints of a sanitary nature which such person thinks may be useful, with the name and residence of the complainant, and may give the name of the person or persons complained of, and the date of the entry of the complaint, and such suggestions of any remedy as may in good faith be thought appropriate, and said books shall be open to all reasonable public examination as the Board may authorize; and the Board shall cause the facts in regard to such complaints to be investigated, and the appropriate remedy to be applied.

Complaint  
book.

Complaint to be  
investigated.

§ 22. Said Board may, from time to time, engage a suitable person or persons to render sanitary engineering service, and to make or supervise practical and scientific sanitary investigations and examinations in said district requiring engineering skill, and to prepare plans and reports relative thereto. And it is hereby made the duty of all boards, officers and agents having the control, charge or custody of any public structure, work, ground or erection, or of any plan, description, outline, drawing or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person thereto by said Board authorized; and the members of said Board, the sanitary superintendent or assistant aforesaid, any of the aforesaid sanitary inspectors, and such other officer or person as may at any time be by said Board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places in said district, including vessels of all kinds in the adjacent waters, and all cellars, sewers, passages and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings and descriptions thereof, according to the order or regulations of said Board. Said Board may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter or thing in said district so inspected, or otherwise as aforesaid, so far, as in the opinion of said Board, such publication may be useful. And said Board may provide a badge of metal, with a suitable inscription thereon, and direct and require it to be worn, in a position to be designated, by any person or officer under the authority of said Board, at such times and under such circumstances as the rules or by-laws of said Board shall direct. It shall be a misdemeanor, punishable by

Engineering  
service.

Inspection of  
charts, &c., to be  
permitted.

Right to enter  
and inspect.

Make sanitary  
condition  
public.

Badge.

False representation or personation.

imprisonment in the county jail, or, in the city and county of New York, in the penitentiary, for not less than one year nor exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, not an officer under this act, to falsely represent himself as such, with a fraudulent design upon persons or property, or to have, use, wear or display, without authority, any shield, or other insignia or emblem such as is worn by such officer. But no more than five thousand dollars in any one year shall be expended for sanitary engineering service.

Regular and special meetings.

§ 23. Said Board shall hold regular and special meetings as frequently as the proper and efficient discharge of its duties shall require; the same to be held (unless it shall be impracticable so to do, or shall be, for good reasons, otherwise ordered,) at the regular office of said Board in the city of New York; and the rules or by-laws shall provide for the giving of proper notice of all such meetings to the members of the Board. And all meetings shall in every suit and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved.

Meetings and orders presumed authorized.

Board to enforce Health Laws.

§ 24. It shall be the duty of said Board of Health to aid in the enforcement of, and so far as practicable to enforce all laws of this State, applicable in said district, to the preservation of human life, or to the care, promotion, or protection of health; and said Board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicine or food. And said Board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules may provide), from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theatres and other places of public resort or amusements in said district; but such reports and information shall only be required concerning matters or particulars in respect of which it may, in its opinion, need information, for the better discharge of its duties in said district. And it is hereby made the duty of the officers, institutions and persons so called on, or referred to, to promptly give such information and make

What included.

Boards may require reports from institutions, asylums, &c.

..

such reports, verbally, or in writing, as may be required by said boards. And it is hereby further made the duty of all persons, officers and boards to make to said Board of Health the reports and returns, and to give the information and afford to said Board the aid and facilities which by law or ordinance they or any of them were required to make, afford or give to any person, officer or board, when any powers hereby conferred on said Board of Health were exercised by any other officer or board.

Board to be aided.

§ 25. Such Board shall not be required to make any return or report, or give any information or advice, or do any act which, under the former administration of the health laws in said district, was made necessary or appropriate by reason of the various officers, boards or agents by or through which said laws were executed or administered, or the powers hereby conferred were exercised; and said Board may establish reasonable regulations as to the publicity of its records and proceedings; and may publish such information as may, in its opinion, be useful, concerning births, deaths, marriages, sickness, and the general sanitary condition of said district, on any matter, place or thing therein.

Returns not required of Board.

Regulations as to records.

May publish information.

§ 26. The department known as the "City Inspector's Department," and every bureau thereof, and so much of the twenty-seventh section of the four hundred and forty-sixth chapter of the laws of eighteen hundred and fifty-seven, as relate thereto, and each and every office in the said district relating to public health, or the duties of which are conferred on said Board, except the Health Officer of the port of New York and the Board of Quarantine Commissioners and its officers, are hereby abolished. And no salary or compensation shall be due or paid by any officer or board whatever, to any officer or agent or board in said district for services to be rendered after this act goes into effect, under any law or ordinance concerning life or public health, except under this act and as authorized by the board hereby created. And all other boards and officers now existing in said district under or by virtue of any law or ordinance relating to public health, are hereby also abolished; and no compensation shall be paid to or in respect of the same for any service rendered after this law shall go into effect, save as said Board of Health shall authorize.

City Inspector's Department and all health offices abolished.

Salaries of Health Officers not to be paid.

§ 27. All the sums of money provided or raised for meeting the expenses, compensations and payments provided by this act, or that may be authorized by said Board (except penalties or other sums received and amounts collected by suit as herein pro-

Funds of Board.

Salaries when payable.

Commissioners may be examined.

How examination conducted.

vided,) shall be paid into the treasury of the State, and shall constitute a fund, to be so far as needed, used by said Board in the performance of its duties and discharge of its obligations; and may and shall be paid therefrom, on the order of the treasurer of said Board, as said Board may direct, and shall be applied and paid by the treasurer of said Board only as this act and the regulations of said Board may authorize. And unless this Board shall otherwise specially provide, all salaries and compensation for services and expense shall, so far as practicable, be paid quarterly. And any member or officer of said Board may, if a judge shall so order, be summarily examined upon an order (to be made on application and written affidavit on the oath of three freeholders of said district) requiring such examination, and signed by any justice of the supreme court of the first judicial district, and directing such examination to be publicly made, at the chambers of said justice, at a day and hour to be named, not less than forty-eight hours after personal service of said order, and such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any of said moneys or fund, or any other delinquency charged in said affidavit, touching their office or the discharge or neglect of duty of which it is alleged, in the application for said order, that such member of said Board or said officer has knowledge or information. And such member or officer shall answer such pertinent questions relative thereto as the judge shall direct, and the examination may be continued from time to time as such judge may order, but the answers of the party charged shall not be used against him on any criminal proceeding. The proceedings may be continued before any other judge in said district, and other witnesses, as well as the parties making such application, may, in the discretion of such judge, be compelled to attend and be examined touching such alleged delinquency; and such judge may punish any refusal to attend such examination or to answer any questions pursuant to his order as for and being a contempt of court. And such examination, affidavit and orders shall be filed in the office of the County Clerk of the county of New York. And in regard to this last examination and matters therewith connected, any such judge shall have all the powers and authority conferred in respect to the examination or proceedings mentioned in the fourteenth section hereof, as if herein repeated.

Board of Estimate?

§ 28. The Mayor and Comptroller of the city of New York, and the Mayor and Comptroller of the city of Brooklyn, togeth-



er with the members of said Board, created by this act, shall, on reasonable notice from said Board, convene at the office of said Board of Health, as a Board of Estimate, a majority of whom shall form a quorum, and shall annually, on or before the first day of August, make up a financial estimate and statement, including all sums and expenses in arrear, and also any sum borrowed, as herein elsewhere provided for, of the sums required for the year, commencing on the first day of January ensuing, annually (above any sums on hand), for the expenses and proper support, and for the discharge of the duties of said Board, including the proper expenses and disbursements of said Board, and of the members or officers thereof in the discharge of their official duties, and for such other general or incidental expenses as may from time to time, in the judgment of such Board of Estimate, become necessary, with the enumeration thereof. But the sums raised for the expenses of any year shall not exceed one hundred thousand dollars in amount, independently of such sums as may have been expended in the presence of great and imminent peril to the public health in said district by reason of impending pestilence, and independently of the sums herein elsewhere provided, to be paid by or recovered back from any person or corporation.\* And the expenses for the remainder of the current year after the passage of this act, to be reckoned at the said rate of one hundred thousand dollars a year, independently of said extraordinary expenses, and of said sums to be paid or recovered back, shall be estimated and apportioned to the several cities, counties and towns in said district as hereinafter provided, and collected in the next annual tax levies. Such estimate shall be accompanied by a written apportionment, made by said Board of Estimate, of the proportions of expenses applicable to and to be paid by each county, city and town in said district. And in apportioning the salaries of the members of the Board, its officers, agents and employees, the following rules shall be observed:

When to meet.

Limitation of amount.

Mode of apportionment.

1. The salaries and compensation of all members of the board appointed to this board, other than the health officer, from any county, and of all officers, agents and employees thereof, whose principal sphere of duty shall be in any county, shall be apportioned against and paid by such county.

2. The salary of the Health Officer, and all general, office,

\* Amended Laws of 1867, Chapter 956, Section 15.

contingent and other expenses of the board, not included in the first class aforesaid, shall be apportioned against and paid by the respective counties and towns (or counties to which they belong) in the ratio of the taxable property, real and personal, of each, in said district, according to the assessment under which the last preceding taxes therein were respectively levied.

3. But no apportionment against any county (or town therein), other than the counties of New York and Kings, shall be made under the two foregoing clauses, unless as follows, that is to say: Each other county (and each of said towns) shall have apportioned against it and shall pay all disbursements and expenses arising, caused or ordered therein, to or by said Board, or for salaries, and services, or portions thereof, earned or rendered therein, as the regulations of said Board may provide; but such salaries and services will not include any portion of the salaries of the members of the board or of its general officers.

4. It is further provided, in respect of each of said counties, that all the expenses caused by any act or any order of said board, or the execution thereof in or for any particular county or part thereof, shall be apportioned to and be paid by said county or part thereof; and any sums collected in either shall be credited to such county or part thereof, unless the same was on account of expenses incurred in some other county, city or town, and in that event it shall be credited thereto. The said estimate and statement shall, at least ten days before the first day of September in each year, be submitted to the committee of revision, composed of the presidents of the boards of supervisors of the counties of New York, Kings, Westchester and Richmond, and of the presidents of the board of aldermen of the city of Brooklyn, and of the supervisors of the respective towns of Newtown, Flushing and Jamaica, in the county of Queens, who may meet, by a majority thereof, and consider and act upon the said estimate and enumeration on or before the first Monday of September in each year. If the said committee of revision, on or before the second Monday of said September, shall object in writing to such estimate or apportionment, or any portion thereof, and so in writing, by said date, notify, or cause to be notified, the said board of estimate, it shall be the duty of the latter to immediately and carefully revise the same, and consider the said objections. If such committee shall fail to meet, or if said board of estimate shall adhere to their original action and esti-

Committee of  
revision.

If committee of  
revision object.

mate, or if they shall modify the same, but they shall not increase the same, then their final determination, apportionment and action shall be binding and conclusive upon all concerned. And the board of supervisors of the counties of New York, Kings, Richmond and Queens (the expenses in the last-named county to be charged and collected in, and in respect of the property of the towns of Newtown, Flushing and Jamaica), respectively,\* are empowered and directed, annually, to order and cause to be raised and collected, by tax upon the estates, real and personal, subject to taxation according to law, within the said respective counties and towns, their respective proportions of the sums of money as aforesaid, annually estimated and as apportioned and finally determined upon, as said total expenses and estimate aforesaid. The sums of money so respectively raised, as provided for in this act, shall be, by the proper officers, immediately and without deduction, paid into the Treasury of the State, and shall constitute the separate fund herein elsewhere mentioned and provided, and be used only for the purposes of said Board, and shall be paid from the State Treasury, under such appropriate regulations as shall be agreed upon between the Comptroller of the State, the State Treasurer and the Treasurer of said Board.

If fail to meet or adhere to be conclusive.

Money to be raised in respective counties and towns.

Disposition of money.

§ 29. The said Board may borrow on the credit of this act, and of the funds to be raised thereunder, such amounts (the borrowing of the same respectively to be first approved in writing by the Governor of the State) as may, in the opinion of said Board, be reasonably necessary and proper to enable it to discharge its duties and defray its expenses hereby authorized, up to the time when the requisite funds can be realized for said Board and purposes from the taxation and sources herein provided for and authorized; and such moneys so borrowed, with legal interest, shall be a charge upon and shall be repaid by the said counties and cities and towns in the proportion hereinbefore provided, and the amounts thereof shall, in addition to the requisite annual expense to secure a future annual fund, be included or allowed in the next or first annual estimate of the sums required and expenses as aforesaid, and shall, with interest, be included, and the amount, with interest, collected in and with the tax in this act provided for, and the same shall go into the said fund, and shall from thence, by the Treasurer of the Board, be paid to or in favor of the parties entitled. And said Board may issue its certificates to those of whom it borrows money, as herein authorized,

Board may borrow.

Certificates for money borrowed.

\* Westchester added, Laws of 1867, Chapter 956, Section 4.

under its seal, and signed by its President and Secretary, and bearing interest at the rate of not more than seven per cent., and payable at a time not more than eighteen months from the date at which any sum may have been borrowed.\*

Penalty for violations, &c.

§ 30.† Whoever shall violate any provisions of this act, or any order of said Board, made under the authority of the same, or of any by-law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said Board, or any order of the Board of Police, in pursuance or execution of the order of the Board of Health, or wilfully omit to obey any such order, shall be guilty of a misdemeanor and be liable to be indicted and punished for such offence: and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon this Board were exercised by any other board or officer or officers, the omission or doing of such, or a corresponding act or thing, which this act requires, or contemplates to be done or forbids, shall in like manner be a misdemeanor, and the offender shall be liable to indictment and punishment for the same. A wilful

Misdemeanor.

Wilful violation

omission or refusal of any individual, corporation or body to conform to any sanitary regulation of said Board duly made for the protection of life, or the care, promotion or preservation of health, pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor. And all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within said district, or within the town, city or village within which any such misdemeanor under this act was committed. And any person, corporation or body which may have wilfully done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a penalty of two hundred and fifty dollars, to be sued for and recovered by said Board in any civil tribunal in said district, except that in the marine, or justice, or county courts, no greater amount can be recovered than the extent of the jurisdiction in other civil suits. And any such suits may be against one or more, or each or all of those who participate in the act, refusals or omissions complained of, and the recovery may be against one

Before whom trials had.

Pecuniary liability of delinquent.

\* Amended, Laws of 1867, Chapter 956, Section 10.

† Amended, Laws of 1866, Chapter 686, Section 2.



or more of those joined in the action, as the justice or court shall direct. And the provisions of this section as to jurisdiction of tribunals and costs shall apply to all suits by said Board or its assignees, or the assignees of the Police Board under this act.\*

§ 31. Copies of the records of the proceedings of said Board, of its rules, regulations, by-laws and books and papers constituting part of its archives, when authenticated by its secretary or secretary *pro tem.*,† shall be presumptive evidence, and the authentication be taken as presumptively correct in any court of justice or judicial proceeding, when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained; and the action, proceedings, authority and orders of said Board shall at all times be regarded as in their nature judicial, and be treated as *prima facie* just and legal.

Records as evidence.

Action of Board regarded as judicial and legal.

§ 32. It shall be the duty of all prosecuting officers of criminal courts and police justices to act promptly upon all complaints and in all suits or proceedings for any violation of this act, and in all proceedings approved or promoted by said Board, and to bring the same to a speedy hearing or termination, and to render judgment and direct execution therein without delay.

Prosecutions to be prompt.

§ 33. This act, so far as it relates to the appointment of the Sanitary Commissioners provided for therein, shall take effect immediately, and shall, in other respects, go fully into effect on the first day of March, eighteen hundred and sixty-six.

When to take effect.

\* See Laws of 1866, Chapter 686, Section 2; Laws of 1867, Chapter 956, Sections 10 and 17.

† Chief Clerk added, Laws of 1867, Chapter 956, Section 1.

## CHAPTER 686.

AN ACT to amend an Act entitled "An Act to create a Metropolitan Sanitary District and Board of Health therein, for the Preservation of Life and Health, and to prevent the spread of disease therefrom," passed February 26, 1866. Passed April 19, 1866, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twenty of an act entitled "An act to create a Metropolitan Sanitary District and Board of Health therein, for the preservation of Life and Health, and to prevent the spread of Disease therefrom," passed February twenty-six, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

By-Laws and  
rules.

Code of Health  
Ordinances.

Ordinances of  
1866.

Penalty for vio-  
lation.

§ 20. Said Board may enact such by-laws, rules, and regulations as it may deem advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution or laws of this State, for the regulation of the action of said Board, its officers and agents, in the discharge of its and their duties, and from time to time, may alter, annul or amend the same; and said Board shall, in like manner, for more fully carrying into effect the intents and purposes of this act, annually, on or before the fifth day of May in any year, make and publish twice a week, for three successive weeks next thereafter, in two daily newspapers published in the City of New York, and in one daily newspaper published in the City of Brooklyn, "a code of health ordinances" for the protection of the public health in said district, to take effect on and after the first day of June next thereafter following, and to remain in full virtue, force and effect within said district, until altered, amended, or annulled;\* and may at any time alter, amend or annul the same, or any part thereof, upon publishing the same as altered and amended, or such portion as is so altered and amended, and for a like time as said original ordinances: but during the year eighteen hundred and sixty-six such code of health ordinances shall take effect at any time after it shall have been published as aforesaid for two weeks; and every person, body or corporation that shall violate or not conform to any ordinance, rule, sanitary regulation or

\* Amended, Laws of 1867, Chapter 956, Section 10.

special or general order of said Board, duly made, shall be liable to pay a penalty not exceeding fifty dollars for each offence, which may be sued for and recovered by and in the name of said Board, with costs, before any justice or tribunal in said district having jurisdiction of civil actions;\* and all such justices and tribunals shall take jurisdiction of such actions. And upon the complaint of any citizen of said district against any person for a violation of any rule, sanitary regulation, ordinance or order, made to any police justice or magistrate having jurisdiction in criminal cases, such justice or magistrate shall order the arrest of any person against whom such complaint is made, as in any other case of a criminal offence, and, by his warrant, may require any policeman or constable to make such arrest, and may, after such arrest, proceed summarily to try such person for such alleged offence; but no such trial shall be had on any arrest made in the City of New York without sufficient notice thereof being first given to said Board, or its President. And upon an application in behalf of said Board, made before the trial is commenced, the trial of such person, together with the papers, shall be remitted to the Court of Special Sessions, upon which Court jurisdiction to try such persons is hereby conferred; but the right of any person to elect to be tried before a jury as it may now exist, is not affected by anything herein contained. If such person shall, upon such trial, be found guilty, he or she may be fined in any amount not exceeding twenty-five dollars;† and the payment thereof may be enforced in the same manner as is usual in other cases where fines are imposed. Such fines, when collected, shall be at once paid over to the Treasurer of said Board, to the credit of said Board. Reports of all such trials, and of fines imposed for violations of this act, or of the code of health ordinances hereby authorized, shall be made monthly to said Board by the justice before whom such trial is had. But nothing in this section contained shall be construed as in any manner limiting any powers, penalty and punishment in this act elsewhere conferred.

Arrest on complaint.

Notice of trial.

Remit to Special Sessions.

Amount of fine.

Justices to report.

§ 2. Section thirty of said act is hereby amended so as to read as follows:

§ 30. Whoever shall violate any provisions of this act, or any order of said Board, made under the authority of the same, or any by-law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said

Penalty for violations, &c.

\* See Laws of 1867, Chapter 956, Section 2.

† See Laws of 1867, Chapter 956, Section 2.

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Misdemeanor.           | Board, or any order of the Board of Police, in pursuance or execution of the order of the Board of Health, or wilfully omit to obey any such order, shall be guilty of a misdemeanor and be liable to be indicted and punished for such offence, and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon this Board were exercised by any other board or officer or officers, the omission or doing of such, or a corresponding act or thing, which this act requires, or contemplates to be done or forbids, shall in like manner be a misdemeanor, and the offender shall be liable to indictment and punishment for the same. A wilful omission or                                                                                                                                                                                                                                                                                  |
| Wilful violation       | refusal of any individual, corporation or body to conform to any regulation of said Board duly made for the protection of life, or the care, promotion, or preservation of health, or the carrying out the purposes of this act pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor.* And all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Place of trial.        | judge or tribunal having jurisdiction of any misdemeanor within said district, or within the town, city or village within which any such misdemeanor under this act was committed. And any person, corporation or body which may have wilfully done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a penalty of two hundred and fifty                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Penalty of \$250.      | dollars, to be sued for and recovered by said Board in any civil tribunal in said district, except that in the marine, or justice, or county courts, no greater amount can be recovered than the extent of the jurisdiction in other civil suits. And any such suits may be against one or more, or each or all of those who participate in the act, refusals or omissions complained of, and the recovery may be against one or more of those joined in the action, as the justice of the court shall direct. And the provisions of this section as to the jurisdiction of tribunals, parties, and costs, shall apply to all suits by said Board or its assignees or the assignees of the Police Board under this act. And said Board of Health may institute and maintain in its own name all such suits and proceedings as shall be reasonable, necessary, and proper for recovering any moneys expended, enforcing the payment of any fine, the punishment for any offence, or in other respects carrying |
| Parties to action.     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Board may bring suits. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

\* See Laws of 1867, Chapter 956, Section 17.



out the objects of this act.\* All processes and papers usual or necessary in the commencement and prosecution of actions, or for the collection of money, in suits or proceedings under this act on execution, may be served by any policeman, and in and about such matters, the policeman so engaged shall have all the powers of marshals, and no fees shall be charged by any court, magistrate, or clerk for the issue of any paper or process, or the performance of any duty in suits under this act. Any civil action brought under or by authority of this act, shall be in the name or by the authority of said Board, and may be brought in any court in said district having jurisdiction in any civil action, to an amount as large as is demanded in such action, and if judgment be rendered for the plaintiff in any amount, costs of the court in which such action is brought shall also be recovered without reference to the amount of the recovery, provided payment was demanded before suit brought, and the defendant or defendants in the action against whom the recovery is had, did not, as the code of procedure authorizes, offer to pay an amount equal to the recovery against him or them, except that in cases where the recovery shall be less than fifty dollars, the amount of costs shall be ten dollars, and in case no recovery is had, the plaintiff shall not pay costs, unless the judge or justice at the conclusion of the trial shall certify in writing that there was not reasonable cause for bringing the action, and in such case the costs shall not exceed ten dollars, unless the amount claimed exceeded fifty dollars. No action shall abate or right of action already accrued be abolished by reason of the expiration, repeal, or amendment of any ordinance, code of health ordinances, or regulation of said Board; nor shall any court lose jurisdiction of any action by reason of a plea that title to real estate is involved, provided the defendant is sought by the pleadings, to be charged in said action on any of the grounds mentioned in this act, other than by virtue of ownership of such real estate. In respect to all proofs and proceedings by said Board, or its agents or officers, under this act, papers filed shall be deemed entered upon or in the minutes of the Board.

By whom  
process served.

Court where ac-  
tion may be  
brought.

Costs.

Actions not to  
abate.

Papers filed  
deemed entered

§ 3. Section twelve of said act is hereby amended so as to read as follows :

§ 12. The authority, duty and powers, whether given by any law, or by any ordinance made thereunder heretofore (for the

Board to have  
powers of local  
boards and of-  
ficers.

\* See Laws of 1867, Chapter 956, Section 8.

purpose of preserving or protecting life or health, or preventing disease) conferred upon or now belonging to, or being exercised by the board of health, or the board of public health of or in the city of New York, or of or in the city of Brooklyn, or elsewhere in said district, the mayor and common council of either of said cities, the mayor of the city of New York, by and with the advice and consent of the board of aldermen, the president of the board of aldermen, the president of the board of assistant aldermen (or councilmen), the resident physician, the health commissioner, the mayor and the commissioners, the commissioners of health, the city inspector, (or the city inspector's department), of either of said cities; or conferred upon or now belonging to any two or more of the said bodies or officers, or last named boards or departments, or to any board of health or health officer or agent in said district, or exercised by any officer or person appointed by or deriving authority from any one or more of the bodies, officers, departments, last named boards, (so far as said powers and authority can be exercised and such duty performed by the Board hereby created, without interference with the proper discharge of the duties, other than sanitary duties, heretofore imposed upon the board metropolitan police), are hereby exclusively conferred upon, and shall hereafter be exclusively exercised by the aforesaid "The Metropolitan Board of Health;" the members and officers thereof, as herein provided; and the same are to be exercised as herein set forth (and to such an extent, and in such place and manner as said Board may provide), for the greater protection and security of health and life in said district, and the appropriate parts thereof;\* and after this act goes into effect, no salary or compensation shall be paid to, or fees demanded by or expense ordered to be incurred by any officer, board or agent, or in respect to any service, expenditure or employment under the authority of any health law, ordinance, regulation or appointment of or in said cities, or any part of said district, unless such salary, expenditure, employment, fees or expense shall be authorized by the Board hereby created and contemplated by the provisions of this act. And the aforesaid power, duty and authority hereby transferred to and conferred upon said Board shall be held to include all the power, duty and authority given, or conferred, or purporting to be given or to be conferred to or upon any person, officer or board, in or by any ordinance contained or purporting to be contained in the first ten chapters of ordinances, being

Offices to pay no salaries.

Powers given in New York by certain ordinances, conferred upon board.

\* See Laws of 1867, Chapter 956, Section 10.

numbered from one to ten inclusive in a compilation of "Laws and Ordinances relative to the Preservation of the Public Health in the City of New York," and purporting to be published under the authority and by the direction of the Mayor and Commissioners of Health of said city, in the year one thousand eight hundred and sixty, and by any existing amendments and additions thereto. But no fees of any kind shall be charged for the performance of any duties imposed by said ordinances. And said Board shall also possess (and may exercise by its own agents, or by order to be executed by said Board of Police), throughout said district, all the power and authority for the protection of life or health, or the care or preservation of health, or persons diseased or threatened therewith, conferred by any law or ordinance relating to any part of said district, and especially by the act of the seventeenth of April, eighteen hundred and fifty-four, (being the three hundred and eighty-fourth chapter of the Laws of eighteen hundred and fifty-four), upon the mayor, common council, board of health, or the health officers, (or upon any two or more of them, or other officers), in said act mentioned. But the powers and authority in this section given shall not be held to interfere with the powers and duties of the Croton Aqueduct Board, Street Commissioner, Superintendent of Unsafe Buildings, Comptroller of New York City, or the Board authorized to contract for street cleaning (under the law of eighteen hundred and sixty-five); nor shall anything in the aforesaid laws or ordinances contained be construed as a limitation of any power in this bill elsewhere given to the said Board or to limit the penalties and expenses it may enforce or collect; and all the power recited or given by said laws or ordinances shall belong wholly to said Board, who may exercise the same without the advice, assent, or co-operation of any municipal board or officer, and in any manner not inconsistent with the other sections of this law, without being limited to the means or by the procedure in said ordinances stated. And no municipal body or other authority in said district shall hereafter create or employ any officer or agent, or incur any expense, under any of said (or other) health laws or ordinances, or in respect of any matter concerning which said Board is by this act given control or jurisdiction. All the aforesaid powers are to be possessed and exercised as fully as if herein repeated and separately conferred upon said Board. And the powers of said Board shall be construed to include the ordering and enforcing, in the same manner as other

No fees.

Local powers  
extended over  
district.

Health powers  
of Brooklyn  
charter conferred  
on board.

Certain boards  
not interfered  
with.

Municipal au-  
thorities not to  
interfere.

Nor incur ex-  
pense.

Additional pow-  
ers.

|                             |                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Repair of buildings.        | orders are provided to be enforced, the repairs of buildings, houses, and other structures; the regulation and control of all                                                                                                                                                                                                             |
| Markets.                    | public markets (so far as relates to the cleanliness, ventilation and drainage thereof, and to the prevention of the sale or offering                                                                                                                                                                                                     |
| Obstructions in the street. | for sale of improper articles therein;) the removal of any obstruction, matter or thing in or upon the public streets, sidewalks or places,* which shall be in their opinion liable to lead to results detrimental to the public, or dangerous to life or health: the regulation and licensing of scavengers; the prevention of accidents |
| Scavengers.                 | by which life or health may be endangered; and, generally, the                                                                                                                                                                                                                                                                            |
| Accidents.                  | abating of all nuisances.                                                                                                                                                                                                                                                                                                                 |

§ 4. Section five of said act is hereby amended so as to read as follows:

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Organize.                                  | § 5. Immediately after the four appointed sanitary commissioners shall have taken the oath of office as above provided, they shall meet with the commissioners of the metropolitan police, and the commissioners of metropolitan police with them, and the health officer of the port of New York, and organize as a board of health by electing one of said board to be President, and one of said board to be Treasurer thereof, and by appointing a proper person to be Secretary of said Board. And the successive Presidents of said Board of Health shall be annually elected by the said board from the members thereof, and the successive Treasurers shall be members of said Board; but the Secretary shall not be a member of the Board. The Treasurer and Secretary shall respectively continue in office as such until removed by the election of a successor or otherwise. The |
| President.<br>Treasurer.<br>Secretary.     | said Sanitary Commissioners shall each receive a salary of two thousand five hundred dollars a year; and each Police Commissioner who may be a member of said Board of Health, and the Health Officer, shall as such receive a salary of five hundred dollars a year;† and the member of said Board of Health, who acts as Treasurer, shall receive an additional compensation of five hundred dollars a year for his services as Treasurer. All salaries allowed under this law shall be payable as the Board shall provide. But for every regular or special meeting of said Board which any Sanitary Commissioner or the Secretary shall fail to attend, there shall be deducted                                                                                                                                                                                                          |
| Term of office of Treasurer and Secretary. | from the salary of the person so failing the sum of ten dollars; and for every failure of a Police Commissioner or of said Health                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Salaries.                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Salary of Treasurer.                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Deduction for failure to attend.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

\* See Laws of 1867, Chapter 956, Section 6.

† Amended, Laws of 1867, Chapter 956, Section 16.



Officer to attend any such meeting, there shall be deducted from his said salary the sum of two dollars; but these provisions shall not apply to any adjourned meeting, and it shall be the duty of the Treasurer to see that all such deductions are made before payments of said salaries. The Board may appoint a Corresponding Secretary at an annual salary not exceeding one thousand dollars.

Not to apply to adjourned meeting.

Corresponding Secretary.

§ 5. Section fourteen, sub-division second, is hereby amended by striking out the words "from the time of filing as aforesaid," where the same immediately follow the words "and also" in said sub-division.

Amendment of § 14.

§ 6. Said Board may, by resolution, confer upon the President power to exercise, in the absence of the Board, the authority given in the fourteenth section, to temporarily suspend or modify any order or its execution. And said Board may change or modify any order made under the first clause of the fourteenth section, except that in cases where no hearing is asked for by the party affected, the order shall not be so altered as to render its effect more stringent than the original order.\*

Power may be conferred on President.

Power to modify order.

§ 7. This act shall take effect immediately.

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\* Amended, Laws of 1867, Chapter 956, Section 10.

# LAWS OF 1867.

## CHAPTER 956.

AN ACT relating to the Metropolitan Board of Health, and to the duties and powers of the commissioners of said board, and the salaries of their subordinates. Passed May 25, 1867; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

President and  
Secretary *pro*  
*tem.*

Chief Clerk to  
certify papers.

Courts to take  
judicial notice.

Duty of Police.

Minimum of  
penalty.

SECTION 1. The Metropolitan Board of Health shall hereafter have the power of electing persons to perform, *pro tempore*, the duties of secretary or president respectively, during any time when either of said officers may be absent, or be unable or may refuse to perform their respective duties; and the board may designate one of the clerks in the secretary's office of said board as "chief clerk," who may perform such duties of the secretary as shall be assigned him; and papers certified by said chief clerk shall be of the same effect, as evidence and otherwise, as if certified by the secretary; and all courts shall take judicial notice of the seal of said board and of the signature of its secretary and chief clerk.

§ 2. It shall be the duty of the officers and men of the Metropolitan police force to enforce all of the ordinances and regulations of said board of health, and to report all violations of the same; where, in any case the minimum penalty for a refusal to obey, or for a violation of any order, regulation or ordinance of said board of health, or any law is not fixed, the amount recovered in such case shall not be less than twenty dollars; and the judge or justice who presided at a trial where such penalty is claimed, shall, on said trial, in writing, fix the amount (not contrary to said provisions) of said penalty to be recovered, and shall direct such amount so fixed to be and it shall be included in the judgment.

§ 3. Said board shall have the same powers in respect of persons afflicted with pestilential or infectious diseases, as are given by the sixteenth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six, or otherwise, in respect of persons afflicted with contagious disease, and shall have power to provide and pay for the use of proper places to which to remove such persons, as well as to designate such places; and said board may cause proper care and attendance for such persons so sick or removed, when it shall appear to said board that any such person is so poor as to be unable to procure for himself such care and attendance.

Persons sick with pestilential or infectious diseases.

Places to be provided and expenses paid.

§ 4. That portion of the fourth subdivision of the twenty-eighth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six, which reads as follows, viz.: "And the board of supervisors of the counties of New York, Kings, Richmond and Queens (the expenses of the last named county to be charged and collected in, and in respect of the property of the towns of Newtown, Flushing and Jamaica), respectively, are empowered and directed annually," is hereby amended by inserting the word "Westchester," between the words Kings and Richmond aforesaid, in said act.

Supervisors of Westchester to tax.

§ 5. Service of any order of said board of health shall be deemed sufficient, if made upon a principal person interested in (or upon a principal officer charged with duty in respect of) the business, property, matter or thing, or the nuisance or abuse to which said order relates; or upon a person, officer or board, or one of the board who may be most interested in or affected by its execution. And if said order relate to any building (or the drainage, sewerage, cleaning, purification or ventilation thereof, or of any lot or ground on or in which such building stands) in the cities of New York or Brooklyn, used for or intended to be rented as the residence or lodging-place of several persons, or as a tenement house or lodging-house, service of such order on the agent of any person or persons for the renting of such building, lot or ground, or for the collecting of the rent thereof (or of the parts thereof to which said order may relate), shall be of the same effect and validity as due service made upon the principal of such agent, and upon the owners, lessees, tenants and occupants of such buildings, or parts thereof, or of the subject matter to which such order relates.

Service of orders.

On agents of tenement and lodging houses.

§ 6. The word nuisance, as used in this act, shall be held to embrace public nuisance as known at common law, or in equity

Nuisance defined.

Liability for expense of abating.

Common law liability reserved.

Stalls around Fulton and Washington markets not to be removed.

Powers as to ventilation, drainage and cleanliness reserved.

Stalls erected or enlarged since May 1, 1866, may be removed.

Power over obstructions in the street affirmed.

jurisprudence; and it is further enacted that whatever is dangerous to human life or detrimental to health; whatever building or erection, or part or cellar thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to their or its intended or actual use; and whatever renders the air, or human food or drink, unwholesome, are also, severally in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal; and each and all persons and corporations who created or contributed thereto, or who may support, continue or maintain or retain them, or any of them, shall be jointly and severally liable for or toward the expense of the abatement and remedying of the same; but, as between themselves, any such persons and corporations may enforce contribution or collect expenses, according to any legal or equitable relations existing between them; but nothing herein contained shall annul or defeat any common law liability or responsibility in respect of nuisances. Provided, however, that nothing contained in this act or in the act entitled "An Act to create a Metropolitan Sanitary District and Board of Health therein for the preservation of life and health, and to prevent the spread of disease," passed February twenty-sixth, eighteen hundred and sixty-six; nor in the act amending said last-mentioned act, passed April nineteen, eighteen hundred and sixty-six, shall be construed to confer or as conferring upon the said Board or its officers or agents the power or authority to order the removal, tearing down, or injury of any of the stalls or stands around Fulton or Washington Markets, in the city of New York, which were erected or enlarged to their present size prior to the first day of May, 1866, at any time before the first day of July, 1869; and if, at such date, the erection of a new market or markets, in the place of said markets, shall have been authorized by law, such power shall not be exercised at any time prior to the first day of May, 1870. But it is hereby expressly declared that the said board shall have and possess full and complete power with reference to the ventilation, drainage and cleanliness of said stands or stalls, and shall have power to order the removal of all stands or stalls which have been erected or enlarged upon any street or sidewalk in said city since said first day of May, 1866, or shall hereafter be so erected; and that the power given to said board over obstructions in the streets or on the sidewalks by existing laws is hereby expressly reaffirmed, except as herein



modified; and the said Board are hereby directed to propose and submit to the next Legislature plans and recommendations for the building of one or two new markets, whichever they shall deem necessary, to replace the Fulton, Washington and West Washington Markets in said city.

Plans for new market to be submitted.

1. Said Board of Health may institute and maintain, in any court in the Metropolitan Sanitary District (having jurisdiction in suits where the amount claimed exceeds one thousand dollars), a suit or suits for the abatement or remedying of any of the aforesaid nuisances, either completely or as fully as may be thought necessary by the court. And said board shall also have, in said district, all common law rights to abate any nuisance without suit, which can or does in this State, belong to any person whatever. And all costs collected in any such action or proceeding shall be paid over to the Treasurer of the board and accounted for by him.

Board may institute suits to abate nuisances.

Rights of board without suit.

Disposition of costs.

2. To all such suits the provisions of chapters seventy-four and six hundred and eighty-six of the laws of eighteen hundred and sixty-six, relative to jurisdiction, costs and parties, shall be applicable; and the courts shall allow the plaintiff, at any proper stage of the case, to amend, by joining other parties defendant; and no suit shall be dismissed or defeated by reason of there being other persons interested therein or concerned in causing, creating or maintaining the nuisance complained of in such suit where such person is not a necessary party to the suit.

Chapters 74 and 686, laws of 1866 to apply.

Right to amend

Suit not defeated for defect of parties.

3. Such suit shall be tried as an issue of law, and without a jury, unless some defendant shall, in his answer, or by notice in writing to be served on the plaintiff's attorney within five days after service of said answer, demand a trial by jury on some question of fact, to be in said answer or notice distinctly stated, and in respect of which a right of trial by jury exists; and if any such demand be so made and served, the case shall, as to all the defendants, be placed on the calendar of jury trial cases; and when reached for trial, if issues of fact for the jury have not before been settled, the presiding judge may state in writing the issues of fact to be submitted to the jury, or the trial shall proceed upon the material issues of fact made by the pleadings without such written statement of issues; and the judge who presided at the trial (or some judge of the same court, if said judge be unable) shall, on receiving the verdict, or as soon there-

How issue to be tried.

How jury demanded or waived.

Issues to be stated in writing.

Judgment to be settled.

after, and at the same term, if possible, settle and cause to be entered the proper judgment in said suit.

What judgment  
to contain.

How expense  
to be borne.

To state on  
what property  
it is a lien.

How lien may  
be removed.

Judge may or-  
der discharge  
when expenses  
paid.

Or bond given.

Or on consent.

Papers to be  
filed.

4. If the judgment be that any nuisance may be abated or remedied, in whole or in part, said judgment shall contain sufficient directions for its proper execution, and the judge shall, from the pleadings and from the evidence given at the trial, find and state what proportion of the expense of such execution shall be paid or be borne by each or all of the defendants, jointly or severally; and if, in the opinion of the court, any part of or all the expense of such execution should be borne by said Board of Health, or the execution of such judgment should be made by said board, or under its direction, said judgment shall contain the appropriate directions in respect to such last-named payment or execution. And the court may also adjudge the board to pay or advance such proportion of the expenses of executing such judgment, as the judgment shall not direct to be paid by some one or all of the defendants. Said judgment, if against any defendant, shall, on its face, state that it will be a lien on the real property, corporeal hereditaments of such defendant or defendants respectively, to which the said nuisance shall have related, till his or their proportion of such expenses of execution are satisfied, or the lien thereof shall be otherwise discharged according to law.

5. Any person prejudicially affected by the lien of any such judgment may, on eight days' notice to said board, make a motion before any judge of the court in which said judgment was rendered, for an order that the lien of such judgment be discharged as to all or any specific property set forth; and if it shall appear to such judge, on the hearing of such motion, that such eight days' notice of such motion has been given to the Board of Health, and that such judgment has been executed and the expenses paid, which the lien sought to be discharged was designed to secure; or if a proper or sufficient undertaking or bond, with sureties, shall be given for the payment of such expenses; or if said Board of Health, through its attorney or counsel, shall in writing consent to the discharge of the last named lien, as to any or all property referred to, or as to one or more defendants, then said judge may order said lien discharged of record by the proper officer, to the extent and as to the person or persons that the order shall specify; and it shall be so discharged; and such order and the moving papers shall be filed with the proper clerk, as the judge shall direct.

6. No appeal by any party defendant shall stay the execution of any judgment aforesaid, except to the extent, in reference to the persons, and on the conditions the judge who tried the case (if he can be conveniently applied to, or, if not, some other judge of the same court), shall, on the settling of the judgment, or on motion, and on four days' notice to said Board of Health, and with due reference to the public interests involved, specially order; and if no such order shall be made, the judgment shall be executed, notwithstanding any appeal, undertaking or security, and without any liability on the part of any person (other than as herein elsewhere provided, in respect of said board), by reason of any damages or consequences growing out of the execution of such judgment, whether the same be reversed or not. All appeals by the defendant from any judgment in the said abatement suits shall be taken within ten days after notice in writing to the defendant or his attorney, of the entry of the judgment therein, and the judge who tries the case may, in his discretion, and without security, but only for the period of the said ten days, order a stay as to the execution of the judgment; and within said period of ten days an undertaking or security on appeal (to stay execution of the judgment, as herein provided) must be filed, the same to be otherwise of the form and obligation as is required in ordinary appeals from judgments, but which shall also be conditioned for the payment of the appellants' adjudged share of the expenses of executing such judgment as the court may have estimated and said judgment may have stated, or (if not estimated in said judgment), as the judge, on application and three days' notice to said board, shall estimate the same, in conformity with the judgment, for the purpose of such security on appeal. But, pursuant to any order, or otherwise, the execution of any judgment against the defendants shall not be delayed beyond said ten days, if within that period the proper undertaking or security on appeal, approved by the judge, has not been filed, and the appeal perfected, as herein provided; and the judgment may state the estimated expense that will have to be paid by any party towards executing said judgment. But said board may appeal in any such case, or any case to which it is a party, within ten days after the entry of any judgment, and without giving any security; such appeal shall be effectual, and shall operate as a stay on the judgment, or upon the part thereof in respect to which said board appeals.

Appeal not to stay proceedings, except by special order.

If no stay judgment to be executed.

Time within which appeals to be taken.

Temporary stay may be allowed.

Undertaking to be filed.

What to contain.

No stay longer than ten days.

Board may appeal without security.

Effect of appeal.

Claim for penalty may be joined in same action.

Motion for new trial.

What judgment at general term to contain.

Appeals to court of appeals.

When change in code of procedure to apply.

Statement of expense of executing to be verified and filed.

Notice of filing to be given.

7. In any such abatement suit said board may join a cause of action for any penalty or penalties that may have been incurred by either of the defendants, by reason of, or in connection with, the nuisance complained of, or by reason of any omission or refusal of any defendant to obey or comply with any order of the Board of Health touching such alleged nuisance, and have the proper provision in any judgment therefor against one or more of the defendants. No motion for a new trial on a case made shall be entertained in any such abatement suit, except as a part of and as arising upon the papers upon a regular appeal to a general term of the court, and to be heard therewith.

8. The judgment of the general term, if it shall to any extent direct any change in the judgment appealed from (but shall direct, or allow or fail to forbid the judgment in part to be executed), shall also contain the requisite specific provisions, so that the judgment as modified may be executed, and the due proportion of the expenses of such execution may be assessed on the defendants respectively, or on said board, as the general term may adjudge. Upon any appeal from the general term to the court of appeals, in such abatement suit, the provisions heretofore as to appeals from the judgment to the general term, and as to security on appeal, shall, in all particulars, including the length of time given in which to take an appeal, apply; and no change in the code of procedure, or otherwise, hereafter to be made, though in subject matter applicable to said abatement suits, shall be construed to modify the aforesaid or other provisions of the health laws, as to any suits thereunder, unless such act shall specifically declare such modification to be intended.

9. Upon the execution in whole or in part of any such judgment (if said board shall, as it is hereby authorized to do, decide the public interest to demand only execution in part thereof,) a statement of the expenses of such execution shall be made, and such expenses shall be therein apportioned not contrary to any provisions of said judgment; and upon the same being verified by the oath of some person who by due authority, took part in or had charge of the execution of such judgment, or by some officer of said board, such statement, entitled in the case, may be filed or given to the proper clerk to be filed, with such judgment; and notice of such filing or delivery, and a copy of such statement, shall be given to the attorneys of the defendant in the suit, or to the defendants themselves, or to some one of the joint defendants; and unless within ten days after any such notice,



such defendants shall give due notice in writing, to said Board or to the person who, as assignee or by order, executed such judgment or is entitled to payment of such expense (in case it was not executed by said board), of a motion, and serve therewith copies of affidavits to correct such statement in particulars to be mentioned, and separately and clearly stated in such affidavit, such statement aforesaid shall be, in all suits and proceedings and tribunals, and at all times, deemed and taken to be final, conclusive, and correct; and no formal defect in such statement shall in any wise vitiate the same. And on any hearing of such motion, any party in interest, or said board, may read affidavits in support of such original statement; and the finding of any judge on the hearing of such motion, as to the said statement of such expenses and other matters in such motion involved or statement contained shall be final and conclusive, and not subject to appeal; and such finding or statement as modified by such finding, when filed, shall be of the same effect as such original statement would have been, had no motion in regard thereto been made; and for the purpose of an execution for such expense, and creating a lien under any judgment, such statements and finding or modified statement shall be regarded as a part of said judgment, and the lien thereof shall extend to any amounts stated in such final statement and finding.

When statement to become final.

Proceedings on hearing of motion to correct statement.

Judges finding final.

Effect of modified finding.

Finding to be part of judgment.

10. For the proportion and amounts, as authorized by such judgment, and contained in such finding or in such statement or modified statement, when either of the same shall have become final as aforesaid, said board or any assignee of such board, or any other person who has executed such judgment, or has otherwise a right to receive the expense of so doing (or the portion thereof that may be due from any defendant), shall have execution, on such execution being allowed ex parte, by a judge of the court in which any judgment was recovered (and such execution shall, in due form, be allowed by any such judge); such execution to be against any one or more defendants or joint defendants for the recovery of any amount due from such defendant or defendants, which the party claiming such execution is entitled to receive; and such execution, except as herein especially provided, shall be of the same effect and form as any execution duly issued pursuant to any judgment. But no execution shall be issued against any defendant for less than the whole sum due from such defendant, or for less than he shall be liable to pay in such suit; but any sum adjudged against any defendants or defendant, in any such abatement suit for penalties, costs,

When execution to be issued and for what.

Against whom execution to be.

No execution for less than amount due.

Separate execution for costs, penalty, &c.

or for other cause than the expense of the abatement or remedying of such nuisance, may be collected by separate or other executions (than those authorized for collecting such expense), to be issued in due course of law.

When preliminary injunction may be granted.

On what grounds.

What injunction order to contain.

Court may order rents to be paid to Board.

How money to be applied.

Treasurer's receipt to be a discharge.

No undertaking on injunction.

11. In any abatement suit aforesaid, the court, or a judge thereof, may issue and enforce an appropriate preliminary injunction, whenever it shall be asked for pursuant to an order of said Board of Health, by affidavit, and there shall appear to such judge to be reasonable cause therefor; and such injunction may also be granted whenever it shall be made to appear to the court or a judge thereof, by affidavit, that such injunction is needed to prevent any illegal act, conduct, or business aforesaid, or its continuance, or to prevent serious danger to human life or serious detriment to health, or great public inconvenience touching any matter or thing to which this act or the health laws aforesaid relate. And in any such injunction order the court may require any building, erection or grounds to be put in a condition that will not be dangerous to the life or detrimental to the health of any occupant, before the same shall be leased, or rented or occupied, or before any rent or compensation shall be collected for the rent or use of the whole or any portion of the same. In any such injunction order, and also in any judgment in any abatement suit, the judge or court may require the tenants, lessees and occupants (or either or any of them) of any such building, erection or grounds, to pay the rent thereof (or compensation therefor) due or to grow due, to said board, and said board to collect and receive the same, and to apply said rent to pay the expenses of putting any said building, erection or ground in a condition that will not be dangerous to the life or detrimental to the health of any present or future tenant, lessee or occupant, or of any other persons; all such collections and payments to be made in such manner, to such extent and on such conditions as any such order or judgment may provide; and every such payment to said board, and the receipt of its treasurer for such rent or compensation, shall be as effectual to protect any person who has made the same, and every such tenant, lessee and occupant, and all his and their rights under any lease or occupation, as if such payment had been made to and such receipt had been given by any lessor or owner, or any proper claimant of any such rent or compensation, who had, but for such order or judgment, the right and authority to receive the same. (But no undertaking or security shall be required or necessary, on the part of said board,

as a condition of granting such injunction, or the same being effectual; and in any final judgment in such suit there may be enjoined whatever, if about to happen or threatened, would be the proper subject matter of a preliminary injunction.) And when the public interest seems to the court to require a speedy trial or hearing of any such suit or appeal therein, it shall be the duty of any judge of any court aforesaid, or of the court to whom application by said board may be properly made, to cause such suit or appeal to be brought to a speedy trial (and before it would otherwise be reached for trial or argument in due course on the calendar,) as the judge or court may by special order direct.

Injunction on final judgment.

Trial may be expedited.

12. In so far as any judgment may be directed to be executed at the expense of said board of health, or by any party defendant at his own expense, and shall by such party defendant be so executed, the expense of such execution shall not be stated or embraced in the aforesaid statement or finding of expenses; but if any part of the execution aforesaid, which any party should have borne or paid, shall (by reason of the delay, refusal or defective act or execution of such party or any other cause,) be paid, borne or incurred by said board of health, in and about the execution of such judgment, then the said latter expenses of said board may be embraced in said statement and finding, and collected by execution as aforesaid.

As to expenses incurred by the board.

13. Whatever expenses said board of health may lawfully and properly incur in the execution of any judgment aforesaid, or in executing, or in connection with its own orders, made in good faith, or in and about the discharge, in good faith, of its supposed duties, or in satisfying any liability or judgment it may have in good faith incurred or suffered by reason of its acts done in good faith as aforesaid, or in satisfying any claim against its officers or subordinates, arising from their acts in the discharge in good faith of their supposed respective duties, shall, so far as established, be paid out of its fund or other moneys, and shall be apportioned, assessed, collected and paid as is provided in the health laws aforesaid in respect to the expenses of said board and such sums paid or recovered under this act, shall not be included in or considered as a part of that class of the expenditures of the board in respect to which there is or may be a specific limitation as to amount.

Expenses incurred by board in good faith to be paid from its funds.

Such expenses not covered by limitation.

§ 7. No member, officer or agent of said board of health, and no person (but only the board itself,) shall be sued or held to liability for any act done or omitted by either person aforesaid

Members and officers of board not personally liable.

(in good faith and with ordinary discretion.) on behalf of or under said board, or pursuant to its regulations, ordinances or said health laws. And any person whose property may have been unjustly or illegally destroyed or injured, pursuant to any order, regulation or ordinance, or action of said board of health, or its officers, for which no personal liability may exist as aforesaid, may maintain a proper action against said board for the recovery of the proper compensation or damage to be paid by and from the funds of said board of health. Every such suit must be brought within six months after the cause of action arose, and the recovery shall be limited to the damages suffered. And there shall be the same right to sue and recover against said board (the amount to be paid from its funds.) when no security or undertaking is given by the board on appeal, or the granting of an injunction, that would have existed (pursuant to the foregoing provisions,) to sue and recover of any party to such undertaking, had the same been duly executed by any such party and board, and duly approved and filed, according to the practice in analogous cases.

§ 8. Said board of health may sue or be sued in and by its proper name, as "The Metropolitan Board of Health," and not in or by the name of the members of said board or any of them; and service of all process in suits and proceedings against or affecting said board, and other papers, may be made upon the president of said board, or upon its secretary, and not otherwise; except that, according to usual practice in other suits, papers in suits to which said board of health is a party, may be served on its attorney. But when a party plaintiff or defendant to a suit (or otherwise designated in any manner, in its capacity as a board of excise,) said board of health shall be designated in said capacity, and said board of excise shall hereafter be known and described as "The Metropolitan Board of Excise," and only by such last name shall it or its members sue or be sued.

§ 9. No preliminary injunction shall be granted against the Metropolitan board of health, or of police, or its or their officers, or against the commissioners of said boards in their capacity as a board of excise, or against the last named board, except by the supreme court, at a special or general term thereof, after service of at least eight days' notice of a motion for such injunction, together with copies of the papers on which the motion for such injunction is to be made.



§ 10. The sixth section of the six hundred and eighty-sixth chapter of the laws of eighteen hundred and sixty-six, is hereby amended by substituting the word "burthensome" in place of the word "stringent," therein contained. The "code of health ordinances," mentioned in said six hundred and eighty-sixth chapter, shall hereafter be designated as the "code of sanitary ordinances," and the same may embrace all matters and subjects to which, and so far, as the power and authority of said board of health extends; nor shall anything in said acts be construed as limiting their application to the subject of health only; and said ordinances may respectively be designated as, or include, rules and regulations. Hereafter said code shall be published once only in any week, and for two weeks only in the aggregate, in any one year, and it shall not be necessary to publish any portion of said code which has remained unaltered since its last previous publication. The twenty-ninth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six shall be deemed applicable to any case hereafter to arise, when said board may find it necessary and proper to borrow money to discharge its duties and defray its expenses, as in said section more particularly mentioned; but no more than twenty-five thousand dollars shall be borrowed by virtue hereof, or under said section, in any one year. The right given in the seventy-fourth and six hundred and eighty-sixth chapters of the laws of eighteen hundred and sixty-six, to said board of health, to sue for and recover, in its own name, any penalties, shall embrace any and all penalties that might, before the acts aforesaid, have been sued for or collected by the mayor, aldermen and commonalty of the city of New York, the city of Brooklyn, or any person (or body in either of said acts referred to,) under or in respect of any law or ordinance, the power or authority given or conferred, or purporting to be exercised by which is now possessed by said board of health.

§ 11. If any person shall knowingly make to said board of health or any officer thereof any false return, statement or report relative to any birth, death or marriage, or other matter concerning which a report or return may be legally required of or should be made by such person: or if any member, inspector or officer, or agent of said board of health shall knowingly make to said board of health any false or deceptive report or statement, (in connection with his duties,) or shall accept or receive, or au-

§ 6, Chap. 686,  
Laws of 1866  
amended.

Code of ordi-  
nances.

What to em-  
brace.

When to be  
published.

To what § 29 of  
Chap. 76, Laws  
of 1866 appli-  
cable.

Amount which  
may be borrow-  
ed.

Right to sue for  
certain penal-  
ties.

False return of  
births, &c.

False report.

**Bribe.**                   thorize or encourage, or knowingly allow any other person to accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering and fully reporting or otherwise acting according to his duty in any respect: then any and every such person shall be deemed guilty of a misdemeanor, and shall be liable to be for such crime indicted, tried and punished according to law, and shall, in addition, forfeit all compensation due or to grow due from said board.

**Punishment.**

**Witnesses may be compelled to attend before board.**

§ 12. Upon the application of any party in interest in any matter pending examination before said board of health, by affidavit stating the grounds of such application to any judge of a court of record, and asking that any person or persons therein named shall appear before said board of health, or any person taking or about to take such examination, at some time or times and place, to be stated in said affidavit, it shall be the duty of such judge, if he discovers reasonable cause so to do, to issue his order requiring such person or persons named to appear and submit to such examination as and to the extent such order may state, at the times and places to be in said order named; and such order, to be signed by such judge, may be served, and shall in all respects be obeyed as a subpoena duly issued; and a refusal to submit to the proper examination may be punished by such judge, or by any judge of such court, as a contempt of court, upon the facts as to such refusal being brought before any such judge by affidavit.

**Expense of executing orders to be a lien.**

§ 13. The said board, its assignee, or any person acting under its authority, in executing any order of said board, shall have a lien for the expenses necessarily incurred in the execution of said order, and said expenses shall be a lien upon the land and buildings upon or in respect of which, or either of which, the work required by said order has been done, or expenses incurred, which lien shall have priority over all other liens and incumbrances, except taxes and assessments. But no such lien shall

**Priority of lien.**

**Where notice to be filed.**

be valid for any purpose till the said board or person shall have caused to be filed in the office, or with the officer where notices of mechanics' liens are now or may be hereafter required to be filed, a notice containing the same particulars required to be stated with reference to mechanics' liens, with the further statement that the expense has been incurred in pursuance of an order of said board, and giving its date. Upon such filing the said officer shall make the same entry on the book or index in which mechanics' liens are entered as he is required to enter in cases of

**What to contain.**

mechanics' lien, together with a reference to said order by date; and thereafter the same shall, except as herein elsewhere provided, have the same effect in all respects as a mechanics' lien; and all proceedings with reference to said lien, its enforcement and discharge, shall be had and carried on in the same manner as similar proceedings with reference to mechanics' liens are now or may be hereafter by law had or carried on. The filing of such statement shall, as to all persons, have the same effect as filing of notice of mechanics' lien; and unless within two months after actual notice of such filing, proceedings are taken by the party against whom or whose said property the lien is claimed to discharge such lien, the filing shall, as to all persons having such actual notice, become conclusive evidence that the amount claimed in such statement, with interest, is due, and is a just lien upon said land and building. Such lien shall continue to be a lien for the space of four years from the time of filing such statement, unless proceedings are in the meantime taken to enforce or discharge the same, which may be done at any time during its continuance. In case proceedings are so taken, it shall remain a lien until the final termination of such proceedings; and if such proceedings shall result in a judgment for the amount claimed in such statement, or any portion thereof, such judgment shall, to such extent, be a lien in the same manner, and from the same time, as said statement.

When notice to become conclusive-

How long to continue a lien.

§ 14. The said Board of Health may from time to time fix and define the time of making, and the form of returns and reports to be made to said board by the coroners of the counties of New York and Kings, in all cases of post mortem inquests, or viewing of dead bodies held by them or any of them; and the said coroners are hereby required to conform to the directions of said board in the premises, and it shall be the duty of every coroner at once, and before holding any inquest, upon being called upon to hold an inquest as aforesaid, or notified thereof, to immediately transmit and cause to be delivered to the secretary of said board of health, written notice of the fact of such call for holding inquest, in which shall be stated every particular then known to said coroner as to said call, the body, the place where it is, and the reported cause of death. If at any time said board, or the sanitary, or assistant sanitary superintendent, shall deem the protection of the public health to demand, it may (so soon as the coroner's jury shall have viewed the dead body, and an autopsy thereof shall have been made,

Powers of board over coroners in New York and Kings.

Coroners to obey directions.

Duty of coroners to notify board of call for inquest.

Board may order burial of body in certain cases.

provided the coroner deems the same necessary.) order the immediate burial of any dead body, or if he or it deems that the public health demands an immediate removal of said body from the place of death to another place for inquest, may likewise at any time order said immediate removal, and shall have power to cause said orders to be obeyed and executed.

Limit of expenditure.

Salaries of Superintendent, asst. superintendent. Inspectors, may be classified.

Asst. inspectors.

Expense of executing orders not covered by limit.

§ 15. The seventy-fourth chapter of the laws of 1866, is amended, by substituting in the place of the words "one hundred thousand dollars," where the same occurs in the twenty-eighth section thereof, the following words, viz: "one hundred and fifty thousand dollars." The salary of the sanitary superintendent shall be five thousand dollars per annum; of the assistant sanitary superintendent thirty-five hundred dollars, and of the sanitary inspectors not less than eighteen hundred dollars, nor more than twenty-five hundred dollars; and said board may divide said inspectors into classes, and fix the salaries of each class within said limits. Said board may appoint such number of assistant sanitary inspectors as they shall deem necessary, and fix their salaries at an amount not exceeding twelve hundred dollars each. And all sums that may be expended in executing any order, resolution or regulation of said board of health, or in executing any judgment that may be recovered by the board, or in paying any sums that may be recovered against the board of health, shall be deemed sums provided to be paid by and to be recovered back from some person or corporation, within the meaning of the said last named twenty-eighth section.

Salary of commissioners as a board of excise.

May increase salaries of officers.

Increase to date from December 1, 1866.

Quorum, mode of calling meetings, seal, &c., of board of excise.

§ 16. By reason of the additional duties to be performed by the several commissioners of said board of health, in their capacity as commissioners of excise, the salary of each thereof, except the health officer of the port of New York, is increased by the sum of fifteen hundred dollars, and a reasonable compensation or salary in addition to what has been heretofore authorized may be paid by said board to any of its officers or employees whose labors are for that reason increased; the said increase of salary to date from the first day of December, one thousand eight hundred and sixty-six, and the same shall be paid from the moneys received for licenses. The provisions of the seventy-fourth chapter, of the laws of 1866, so far as the same relate to the calling and holding of meetings, or a quorum thereat, the duties of the secretary, the dismissal and control of officers and agents, the designation and use of a seal, the authentication and



presumptive effect and legality of the records, papers and acts of the board, shall be held to apply to said board and the commissioners named in said act and to their doings, in their capacity as a board of excise. Said board of excise shall make a like annual report as is required of said board of health.

Board of excise to report.

§ 17. Any wilful omission or refusal to obey or conform to any part of this act, or any willful resistance of or refusal to obey any order, regulation or ordinance made in pursuance of this act, shall be subject to the same punishment, penalty and liabilities, both civil and criminal, as if such omission, refusal or resistance was in respect of either of the acts mentioned in the tenth section hereof, or in respect of an order, regulation or ordinance made in pursuance of either of the last named acts.

Neglect or refusal to obey a misdemeanor.

§ 18. When any order of said board of health has been executed, or so far executed as said board may require, the expenses of such execution, giving in general terms the items of such expense and the date of execution, shall be stated in an affidavit, and the same shall be filed among the records of said board, with the order so executed; and said board shall take care, by or through some proper officer, or otherwise, that the expenses of such execution be so stated with fairness and accuracy; and when it shall appear that such execution, or the expenses thereof, related to several lots or buildings belonging to different persons, said affidavit shall state what belongs to or arose in respect to each lot of said several lots or buildings, as said board or its authorized officer may direct; and the correctness of such apportionment or expenses, as stated in any such affidavit, shall not be called in question or reviewed elsewhere than before said board; but said board may revise and correct the same, as said board shall think truth and justice may require.

Statement of expense of executing orders to be filed.

Expense to be apportioned.

How statement corrected.

Whenever the expenses attending the execution of any order of said board of health (and all such expenses are to be a lien and charge as said original act specifies as to certain expenses,) may be made the subject of a suit by said board, or its assignee, (or the person having a right to recover such expenses,) there may be joined in the same suit a claim or claims for any penalty or penalties for violations of either of said chapters, or of this act, or for the violation or omission to perform or obey said order, (or any prior order of said board,) or for the not doing of that or any portion of that, for the doing of which said expenses arose or were incurred; and said board may make an assignment of the claim for any such penalty or penalties, to enable the claim

Claim for penalty and for expense joined in one action

Claim for penalty may be assigned.

Joint or several judgment.

for the same and the claim for said expenses to be joined in the same suit; and the proper joint or several judgment may be had against one or more of the defendants in the suit, as they or either of them may be liable in respect of both said claims, or either or any of them.

Expenses and judgment a lien upon rent.

And said expenses of executing said order, and the expenses of executing any judgment in any abatement suit herein provided for, and the several judgments that may be recovered hereunder, or otherwise, for any such penalty or expenses, (or both such penalty and expenses together,) until the same are paid or discharged, shall be (a lien as other judgments, and also) a lien and charge upon rent and compensation due or then maturing from any tenant or occupant of the building, lots and premises, or the parts thereof to which any such order or judgment relates, or in respect of which any such expenses were incurred.

Also upon compensation referred to in § 16, Chap. 76, Laws of 1866.

And such expenses and judgments shall respectively be liens on the several compensations mentioned, and under the circumstances stated (as to certain expenses being such lien) in the fourteenth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six, as if the provisions there contained were here repeated. For the purpose of rendering such lien and charge more effectual to secure payment of any such expenses or judgment, from any rent or compensation aforesaid, the following proceedings may be taken:

How lien rendered effectual.

Copy of order with statement of expense or transcript of judgment to be served.

1. The board of health, or any person owning any such judgment, or the claim for any such expenses, or having a right to receive payment therefor, may serve a copy of the order under or by reason of which such expenses were authorized or incurred (with a copy of any affidavit, stating the expenses of the execution of such order,) or, if the claim be a judgment, may serve a transcript of such judgment (and any affidavit showing the expense of its execution, if there be any) upon any person or corporation owing, or who is about to owe, any compensation (in respect of any matter or thing in said fourteenth section mentioned,) or owing or about to owe any rent or compensation for the use or occupation of any grounds, premises or building, or any part thereof, to which said order or judgment relates, and in respect of which such expenses or the expenses embraced in said judgment related or were incurred; and may, at any time of such service, demand in writing that such rent, or any such compensation (to the extent of said claims for said expenses, or of any such

Upon whom served.

Demand of rent may be served.

judgment or expense in executing the same,) shall, when such rent or compensation becomes due and payable, be paid to the treasurer of said board of health.

2. After the service of the papers aforesaid and such demand, any tenant, lessee, occupant or other person owing or about to owe, any such rent or any such compensation, shall, when such rent or any such compensation shall mature or become payable, pay the same, and from time to time any other amount thereof, as the same may become due and payable, (or so much thereof as is sufficient to satisfy any such judgment or claim for expenses or both, so served,) to the treasurer of said board of health; and such treasurer shall give his receipt as treasurer therefor, stating on account of what order or judgment and expenses the same has been paid to him and received; and the amount so received shall be deposited in some bank in the city of New York, where other funds of the board are kept, to the special account of such treasurer.

After such demand rent to be paid to treasurer.

Treasurer to give receipt and deposit in bank.

3. Any person or corporation refusing or omitting, as herein directed, to make such payment to said treasurer, after service of the paper and demand aforesaid, as herein required, shall be personally liable to said board of health, or to the party owning any such claim for expenses or judgment (if not belonging to said board,) for the amount that should have been paid to said treasurer, according to the provisions hereof, and may by such party (or board, if the owner aforesaid) be sued therefor; and such persons shall not in such suit dispute or call in question the authority of said board of health to incur or order such expense, or the validity or correctness of such expenses or judgment in any particular, or the right of the party making said demand, or his assignee, to have the same paid from such rent or compensation. But the receipt of such treasurer for any sum paid him as aforesaid, shall, in all suits and proceedings, and for every purpose, be as effectual in favor of any person holding the same as actual payment of the amount thereof to the proper landlord, lessor, owner, or other person or persons who would, but for the provisions of this statute, or said service and demand, have been entitled to receive the sum so paid to such treasurer, could or would have been. And it is further expressly declared, that no tenant or occupant of any lot, building or premises, or his or their assignee or lessee, shall be dispossessed or disturbed, nor shall any lease or contract, or rights, be forfeited or impaired, nor any forfeiture or liability be incurred by reason of any omis-

Persons refusing to pay liable for amount.

May be sued therefor.

What not to be disputed in such suit.

Treasurer's receipt effectual.

No person to be dispossessed after payment to treasurer.

sion to pay to any landlord, owner, lessor, contractor, party or other person, the sum so paid to said treasurer, or any part thereof.

Treasurer to retain moneys till twelve days after notice.

If suit to recover not brought within twelve days amount to be applied on claim.

When money may be claimed back of treasurer after twelve days.

What to prove on trial.

Who to be made parties.

Board may have judgment against co-defendant.

If suit brought within twelve days, who may be parties.

4. The treasurer of said board of health shall retain said money so paid him until twelve days after it shall be made to appear to said board of health, or some proper officer thereof, by satisfactory affidavit, that the party or parties, or his or their agent for the collection of any such rent or compensation, who (but for the provisions hereof would have been entitled to receive the same,) has had written notice of such payment being made, to said treasurer, and a copy of his receipt therefor; and if at the end of said twelve days, the party or parties aforesaid, so notified, have not instituted suit to recover said money, as herein-after provided, then the same shall, by said treasurer, be paid to any person who may own or have the right to recover the amount of the judgment or the claim for expenses so served as aforesaid (or so much thereof as the party may be entitled to,) or on account of which the money was paid to said treasurer; and after such payment by the treasurer, the party or parties aforesaid (who failed to sue) shall have no right to demand or receive any such money unless they shall, within six calendar months from the expiration of said twelve days, in a suit allege that they had no notice of such payment to said treasurer, and shall, on the trial of such suit, prove said allegation, and also that they were not liable to pay the said claim for expenses or the said penalty or judgment, and that the said board had not jurisdiction to order the expenses aforesaid, on account of which the money was so paid to said treasurer, or on which any such judgment was obtained; and in case of a recovery in such suit it shall be only to the extent such parties were not so liable; and in such suit any person or persons who may have received said money from said treasurer or board shall, by the plaintiff, be made a party defendant; and if the plaintiff shall recover such money, or any part thereof, said board of health shall be entitled to any equitable judgment in such suit which the court may see fit to direct for recovering said money back, or any part thereof, from such co-defendant, which had been paid to him by said treasurer.

5. In case any suit shall be brought under the last subdivision of this section, or before the expiration of the said twelve days, said board of health (but not said treasurer) shall be joined as a party defendant; and any person or persons, other than said



board, claiming the right to receive said money on account of said order, expenses or judgment, or who has received the same, shall also by the plaintiff be made parties defendant; and no answer need be made by said board, (except at its option, or if it be not a claimant as having paid or incurred said expenses, or as being the owner of said judgment,) further than the allegation that it holds said money so paid, and is ready to pay it over, as the result of the suit may render it proper, or to pay an equal amount to the plaintiff, if adjudged to do so; and said money shall be held by said board pending said suit, (if not paid over before suit brought as aforesaid,) and provided said suit be diligently prosecuted to judgment; and on its conclusion the board of health shall cause the money, if still with its treasurer, or the proper amount from its funds, to be paid as the determination of the suit may render proper; and no costs in any suit in this section mentioned shall be recovered against said board of health. But to entitle a plaintiff to recover in any such last named suit, he must make the same proof and establish the same facts as is required to enable him to recover in any aforesaid suit in this section mentioned, except as to his not having had notice of such payment to such treasurer. The treasurer shall obey the directions of said board, and shall not be personally liable (unless for his own fraudulent acts) for or in respect of any such money or facts aforesaid to any one, but said board of health shall pay such sum as may be finally adjudged against it in any suit.

What answer of board to contain.

Money to be held pending suit.

No costs against board.

What plaintiff to prove.

Treasurer to obey board.

Not personally liable.

§ 19. Said board of health is hereby authorized and directed to employ such competent person or persons to reduce to the form of a code all the laws applicable to said board or such parts of them as are deemed appropriate to be enforced, and to add thereto such provisions as said board may deem needful; and also to prepare a complete code of ordinances appropriate to be enacted and put in force in said district; and also such general regulations, and blank forms, as in the opinion of said board are requisite in the discharge of its duties; the same to be reported to the legislature as early as they can be prepared and perfected, and not later than the opening of the session in eighteen hundred and sixty-nine; and said board may incur the necessary expense for the purposes aforesaid, and said board may have such report printed.

Board to codify laws.

To prepare code of ordinances.

To be reported to legislature.

§ 20. No law heretofore enacted or hereafter to be enacted shall be construed to repeal or modify any portion of this act or of any law relating to said board of health, or to the members

This or prior acts not repealed by implication.

of said board, their duties or powers as such or as a Board of Excise, unless and except in so far as said law shall expressly there-to refer, and repeal or modify the said laws.

Board of police  
may build  
telegraphs.

§ 21. The Board of Metropolitan Police shall have power to erect, operate, supply and maintain, under the general laws of the State relating to telegraphs, all such lines of telegraph to and between such places in the district as for the purposes and business of the police the board shall deem necessary. Said board may procure and shall own and control all instruments, fixtures, property and materials procured for the purpose above mentioned, but the cost thereof shall be chargeable to general expenses of Metropolitan police. The board of police is hereby permitted to use the said telegraph lines to aid them in facilitating the operations of the board of health, and when so used the expense thereof shall be charged to the said board of health. The board of Metropolitan police may detail from the force members thereof, not exceeding five in number, to perform surgeon's duties in any part of the district, and may remand them to post duty, and while they are so detailed to surgeon's duties their pay shall be the same as other surgeons. The pay of surgeons shall be chargeable to the respective counties in which they served as surgeons; and any surgeon may be dismissed by resolution of the board, but the unanimous vote of the board, all the commissioners being present, taken by ayes and noes, and recorded, shall be required to adopt such resolution. The board of police may, if requested by the board of health, employ their surgeons to aid the sanitary inspectors in the discharge of their duties, under such regulations and order as the board of police may make and issue.

Board of health  
may use  
telegraph.

Board of police  
to detail patrol  
men as sur-  
geons.

Police surgeons  
may be detailed  
to assist board  
of health.

§ 22. This act shall take effect immediately.

## CHAPTER 908.

AN ACT for the regulation of tenement and lodging houses in the cities of New York and Brooklyn. Passed May 14, 1867.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. From and after the first day of July, eighteen hundred and sixty-seven, no house, building, or portion thereof, in the cities of New York or Brooklyn, shall be used, occupied, leased or rented for a tenement or lodging house unless the same conforms in its construction and appurtenances to the requirements of this act.

When to take effect.

§ 2. Every house, building or portion thereof, in the cities of New York and Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging house, shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved in New York by the inspector of public buildings, and in Brooklyn by the assistant sanitary superintendent of the metropolitan board of health.

Ventilation and windows.

Ventilator in hall.

§ 3. Every such house shall be provided with a proper fire escape, or means of escape in case of fire, to be approved in New York by the inspector of public buildings, and in Brooklyn by the assistant sanitary superintendent of the Metropolitan board of health.

Fire escape.

§ 4. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain water shall be so drained

Roof in repair.

|                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stairs.                                                     | or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard or area. All stairs shall be provided with proper bannisters or railings, and shall be kept in good repair.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Water closets or privies.                                   | § 5. Every such building shall be provided with good and sufficient water closets or privies, of a construction approved by the Metropolitan board of health, and shall have proper doors, traps, soil pans, and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof. Such water closets or privies shall not be less in number than one to every twenty occupants of said house; but water closets and privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved in New York by the Croton Aqueduct Board, and in Brooklyn by the Board of Water Commissioners. All such water closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the Metropolitan Board of Health may direct. It shall in all cases be watertight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water, from the roof |
| One to every twenty occupants.                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| To be connected with sewer.                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| To have traps and water.                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Owners and others to prevent obstructions, exhalations, &c. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Cesspools only when unavoidable.                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| How constructed.                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Yard or area to be connected with sewer.                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Or with street gutter.

§ 6. From and after the first day of July, eighteen hundred and sixty-seven, it shall not be lawful, without a permit from the Metropolitan Board of Health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room built or rebuilt after said date, or which shall not have been so let or occupied before said date. And from and after July first, eighteen hundred and sixty-seven, it shall not be lawful without such permit to let or continue to be let, or to occupy or suffer to be occupied separately as a dwelling any vault, cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room the use of a water-closet or privy kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in case of an inner or back vault, cellar or room let or occupied along with a front vault, cellar or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as herein before provided, and if the said back vault, cellar or room is connected

Cellars not occupied as dwellings before July 1, 1867, require permits.

No cellar to be used as a dwelling, unless it conforms to certain requirements.

Must be drained.

Must have water-closet, windows, &c.

When back cellar may be occupied with front one.

- with the front vault, cellar or room by a door and also by a proper ventilating or transom window, and where practicable also, connected by a proper ventilating or transom window, or by some hall or passage, or with the external air. Provided always that in any area adjoining a vault, cellar or underground room there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open; and provided further that
- May have steps to area. over or across any such area there may be steps necessary for access to any building above the vault, cellar or room to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.
- Also over area.
- After July 1, 1868, every cellar requires permit.
- § 7. From and after the first day of July, eighteen hundred and sixty-eight, no vault, cellar or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor, by the Metropolitan Board of Health.
- Garbage boxes.
- Combustibles or unhealthy articles not to be stored, or animals kept.
- § 8. Every tenement or lodging house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.
- To be kept clean
- § 9. Every tenement or lodging-house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the Metropolitan Board of Health, so often as shall be required by or in accordance with any regulation or ordinance of said board, and shall, well and sufficiently, to the satisfaction of said board, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said board shall otherwise direct.
- To cleanse to satisfaction of Board of Health.
- To whitewash twice a year.

Every tenement or lodging-house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, of any one, having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the Metropolitan Board of Health, or the Department for the Survey and Inspection of buildings, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

Owners and agents names posted.

Service of papers.

§ 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the Metropolitan Board of Health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the Metropolitan Board of Health, or to some officer of the same, and, thereupon, said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed clothes used by any such sick person, to be thoroughly cleansed, scoured and fumigated, or, in extreme cases, to be destroyed.

Officers of Board of Health to have access.

Sick persons to be reported.

House may be disinfected, clothing, furniture, &c.

§ 11. Whenever it shall be certified to the Metropolitan Board of Health by the Sanitary Superintendent, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said board may issue an order and cause the same to be affixed conspicuously on the building or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this State, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than

Buildings infected or out of repair may be ordered vacated.

Notice to be posted and served.

Order may be  
revoked.

twenty-four hours, as in said notice may be specified; but said board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

Houses here-  
after erected or  
converted to  
comply with  
additional  
requirements.

§ 12. No house hereafter erected shall be used as a tenement house or lodging house, and no house heretofore erected and not now used for such purpose, shall be converted into, used or leased for a tenement or lodging house, unless in addition to the requirements hereinbefore contained, it conforms to the requirements contained in the following sections:

Distances be-  
tween buildings  
on front and  
rear of lot.

§ 13. It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging house a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear open space exclusively belonging thereto, and extending upwards from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging house on the back part of any lot, there shall be a clear open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified, in special cases, by a permit from the Metropolitan Board of Health.

Buildings on  
rear of lot.

Distances may  
be modified.

Height of rooms.

§ 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building, shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have, at least, one window, connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross current of

Windows.

Size of windows.

air. The total area of window or windows in every room communicating with the external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows, shall not be less than seven feet and six



inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air shaft extending to the roof, or otherwise, as the Board of Health may prescribe.

Small room to have special ventilation.

§ 15. Every such house hereafter erected or converted shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have Croton, Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the Metropolitan Board of Health.

Chimneys.

Ashes and rubbish.

Water.

Cellar floor.

Halls open at ends.

§ 16. Every owner or other person, violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each and every day that such offence shall continue. Such penalty may be sued for and recovered by the Metropolitan Board of Health, and when recovered shall be paid over to the treasurer of said board. In every proceeding for a violation of this act, and in every such action for a penalty, it shall be the duty of the owner of the house to prove the date of its erection or conversion to its existing use, if that fact shall become material, and the owner shall be prima facie the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof. In any such action the owner, lessee and occupant, or any two of them, may be made defendants, and judg-

Punishment for violation.

How recovered

Owner, lessees and occupant may be defendants.

ment may be given against the one or more shown to be liable, as if he or they were sole defendant or defendants.

Definition of  
tenement house.

§ 17. A tenement house within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house or residence of more than three families living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water closets or privies, or some of them. A lodging house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

Definition of  
lodging house.

Definition of  
cellar.

Board of Health  
may modify.

§ 18. The Metropolitan Board of Health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants.

When to take  
effect.

§ 19. This act, except when it is otherwise expressly provided, shall take effect in May first, eighteen hundred and sixty-seven.

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## CHAPTER 700.

AN ACT with reference to the powers of the Metropolitan Board of Health in the regulation of cattle driving and other matters. Passed April 24, 1867.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of Health  
to regulate driv-  
ing of cattle, &c.,  
in New York  
and Brooklyn.

SECTION 1. From and after the passage of this act it shall not be lawful to drive any cattle, sheep, swine, pigs, or calves, through the streets or avenues of New York or Brooklyn, or any of them, except at such times and in such manner as the Metropolitan Board of Health may by ordinance or resolution prescribe. But so long as said board shall permit the business

of slaughtering animals for food to be carried on, in that portion of the city of New York south of Fortieth Street, it shall be lawful to drive through such streets and avenues in the city of New York as may be designated by said board, and under such restriction as to numbers as said board may prescribe, cattle from eight o'clock in the evening till two hours after sunrise in the morning, and sheep until twelve o'clock at noon. But in designating the streets and avenues the said board shall have regard as well to the convenience of persons driving the same as to the character, condition and ordinary use of the said streets and avenues.

So long as slaughter houses permitted cattle may be driven till two hours after sunrise, and sheep till noon.

Board may designate streets and prescribe numbers.

§ 2. No person in charge of any cattle, sheep, pigs, swine or calves, shall, if able to prevent it, permit any such cattle, sheep, pigs, swine or calves, to pass upon or across any sidewalk in said cities, and any person violating any provision of this act shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the penitentiary for not more than thirty days, or by both such fine and imprisonment.

Cattle, &c., not to pass on or across sidewalk.

Penalty for violating law.

§ 3. In all cases to which said Board of Health is a party, either when acting as such or as a Board of Excise, preference shall be given to the same by all courts and judges on all motions, trials and appeals, in the same manner as to cases to which the people of the State are directly parties plaintiff, and whenever said board shall seek any provisional remedy, or shall prosecute any appeal, it shall not be necessary before obtaining or prosecuting the same to give any undertaking, but such board shall be liable in the same manner as if an undertaking had been given in the ordinary manner.

Boards of health and excise to have preference in court.

Boards need not give undertakings on appeal, &c.

§ 4. This act shall take effect immediately.

## CHAPTER 687.

AN ACT to authorize the abatement and prevention of certain nuisances deemed dangerous to the public health in the city of Brooklyn. Passed April 23, 1867, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever it shall appear to the Metropolitan Board of Health, that any surface water has been, or shall be liable to be ponded at any place in the city of Brooklyn, and

When surface water ponded in Brooklyn, board of health to notify sewerage commissioners.

remain stagnant, so as to be or become a nuisance dangerous to the public health in the vicinity thereof, they shall cause a notice in writing to be served upon the Board of Sewerage Commissioners of said city, specifying the location of such place.

Sewerage commissioners to ascertain cause.

§ 2. Said Board of Sewerage Commissioners, upon receiving such notice, shall examine and ascertain whether such ponding of water has been or is liable to be caused by the erection of any building, fence, wall or other obstruction, so as to prevent the natural or usual flow or passage of surface water, and for that purpose, and for the purpose of draining such water from such pond, the said Sewerage Commissioners, their agents and workmen, shall be and hereby are authorized to enter into and upon any lands and premises in the vicinity of the place designated in said notice, and cause a suitable drain to be made, or a suitable pipe to be laid across any land above or below the surface thereof, as they may deem best, so as to drain such water from such pond or place, and cause it to flow and be discharged into some public street or sewer.

May enter upon lands.

May cause drain to be made.

Sewerage commissioners to estimate damages.

Ten days' notice to be given owners.

§ 3. Said Sewerage Commissioners shall estimate the damages which may be sustained by the owner or owners of the lands upon which such drain shall be made, or pipes laid, after giving to such owner or owners ten days previous notice in writing, of the time and place of making such estimate, which notice shall be served upon such owner or owners personally, or leaving the same at his or their usual place of residence, or upon the premises where such drain or pipe shall be made or laid, with some person of suitable age to receive the same.

If deemed proper, may pay expenses from general sewerage fund.

Or may assess upon lands benefited.

Assessments to be liens.

§ 4. If said Sewerage Commissioners shall, under all the circumstances deem it proper that such damages and the cost and expenses incurred in making such drain, or laying such pipe, should be borne by the public, as being necessary to prevent or abate a nuisance dangerous to the public health, they shall pay the same out of the general fund raised for sewerage purposes; but if they shall not deem it proper that such damages, costs and expenses should be so paid, then they shall make a just and equitable assessment thereof, upon all the lands upon which the buildings, fences, walls or other obstruction, which has caused such water to pond, shall have been or shall be made, and upon such other land adjacent thereto, if any, the owners of which, in the opinion and judgment of said commissioners, ought in justice to bear and pay any part thereof, and the assessment so made shall be liens upon the lands assessed, and shall be collect-



ed in the same manner as other assessments made for the costs and expenses of constructing sewers in said city are collected.

§ 5. If any person shall wilfully destroy or injure any such drain, pipe, or obstruct or prevent the passage of water through the same, he or she shall be guilty of misdemeanor.

Misdemeanor to impair or obstruct drain.

§ 6. This act shall take effect immediately.

## CHAPTER 382.

AN ACT to incorporate the Soldiers' Business Messenger and Dispatch Company. Passed April 15, 1867.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

\* \* \* SECTION 6. Said corporation is hereby authorized and shall have power to erect and maintain covered stands or booths on the streets of the cities and villages in said district, except Broadway in the city of New York. Provided, that no booth or stand shall be placed upon the sidewalk, without previous consent of the owner or lessee of the property adjoining or against said booth or stand ; and the number, size and location of said booths or stands shall be determined by the Metropolitan Board of Health, or a majority of said board, who shall determine and locate the same upon application by the president of this corporation.

Corporation may place stands in street if approved by board of health.

\* \* \* SECTION 9. This act shall take effect immediately.

## CHAPTER 806.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for certain county purposes : to extend the powers of the Metropolitan Police, and to provide for the auditing and payment of unsettled claims against said county. Passed April 25th, 1867, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Permits to visit  
vessels at quar-  
antine.

\* \* \* SECTION 26. Nothing in this act shall be deemed to conflict in any manner with the Quarantine laws, or with the rules and regulations of the Health Officer of the Port of New York ; nor shall any permit or licenses issued under the act hereby amended, authorize any person to visit any ship or vessel under quarantine, without the authority of the Health Officer of the Port of New York, or the Metropolitan Board of Health.

## CHAPTER 586.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof; and to provide for the auditing and payment of unsettled claims against said city, and in relation to actions at law against said corporation. Passed April 23, 1867 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

## (EXTRACT.)

Moneys appro-  
priated to Board  
to clean streets  
not provided  
for by contract.

Moneys appro-  
priated to clean  
streets oftener  
than required  
by contract.

" For the Metropolitan Board of Health to pay the expense of cleaning such streets, alleys, squares and public places in the city of New York, as are not provided to be cleaned by any existing contract, the sum of five thousand dollars, or so much thereof as may be necessary for that purpose. If at any time the said board shall be of the opinion that the public health re-

quires that any street or streets, avenue or avenues, public place or places, should be cleaned more frequently than is required by the existing contract for cleaning the streets, they may order the same to be cleaned as much oftener as in their opinion the public health requires, and the comptroller shall pay to the person doing the work, on the certificate of the president of said board, the amount that may be agreed upon therefor, not exceeding in the aggregate the sum of twenty thousand dollars, which sum is hereby appropriated therefor. But nothing herein contained shall be construed as exempting the contractor for cleaning the streets from any existing liability."

Existing contracts not affected.

## CHAPTER 578. LAWS OF 1866.

AN ACT to regulate the sale of intoxicating liquors within the Metropolitan Police District of the State of New York, passed April 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of Health  
constitute Board  
of Excise.

SECTION 1. The persons who are and from time to time shall be Commissioners of the Metropolitan Board of Health, are hereby constituted and created a Board of Excise, in and for the Metropolitan District of the State of New York, excepting and excluding the County of Westchester, and from and after the passage of this act, they alone shall possess the powers and perform the duties of Commissioners of Excise within said Metropolitan Police District, excepting said County of Westchester. They shall receive no compensation for their services as such Board of Excise.\*

Extent of dis-  
trict.

Inspector of ex-  
cise.

§ 2. There shall, in the said Metropolitan Police District, be an officer called and known by the title of "Inspector of Excise," who, under the Board of Excise, shall be charged with the performance of such of the duties herein imposed upon them as they can and shall delegate to him. The Board of Excise shall have power to appoint and remove such officer, and to pay him out of the moneys to be received by them, as hereinafter provided, such salary as they shall deem proper, not exceeding two thousand dollars a year.

Salary.

License requir-  
ed.

§ 3. From and after the first day of May, 1866, no person or persons shall, within the said Metropolitan Police District, exclusive of the County of Westchester, publicly keep, or sell, give away or dispose of any strong or spirituous liquors, wines, ale or beer in quantities less than five gallons at a time, unless as he or they may be licensed, pursuant to the provisions of this act, and may be permitted by it.

Board to grant  
licenses.

§ 4. The said Board of Excise shall, subject to the further provisions hereof, have power to grant licenses to any person or persons of good moral character, and who shall be approved by them, permitting him and them for one year from the time the same shall be granted to sell and dispose of, at any one named place within said Metropolitan Police District, exclusive of the

\* Amended, Laws of 1867, Chapter 956, Section 16.



County of Westchester, strong and spirituous liquors, wine, ale and beer, in quantities less than five gallons at a time upon receiving a license fee, to be fixed in their discretion, and which shall not be less than thirty nor more than two hundred and fifty dollars.

Rate of license fee.

§ 5. Such licenses shall be in the form of a written or printed certificate, stating the name of the person or persons, and the place licensed; shall be signed as the said Board of Excise shall provide and direct; shall be kept posted by the person or persons licensed, in a conspicuous position in the room or place where his or their sales are made, and shall be exhibited at all times by the person or persons so licensed, and by all persons acting under such licenses, on demand to every sheriff, constable or officer or member of police: any omission so to display and exhibit such certificate shall be presumptive evidence that any person or persons so omitting to display and exhibit the same has and have no licenses.

Form of license.

License to be posted and exhibited.

Result of omission.

§ 6. Such licenses shall only be granted on written application to the said Board, signed by the applicant or applicants, specifying the place for which license is asked, and the name or names of the applicant or applicants, and of every person interested or to be interested in the business to authorize which the license shall be used.

Form of application.

§ 7. Persons not licensed may, within the said Metropolitan Police District, exclusive of the County of Westchester, keep, and in quantities not less than five gallons at a time, sell and dispose of strong and spirituous liquors, wines, ale and beer, provided that no part thereof shall be drunk or used in the building, or in any building, yard, garden or inclosure communicating with, or in any public street or place contiguous to the building in which the same shall be kept, sold or disposed of.

Unlicensed persons may sell more than five gallons.

But not to be drunk on premises.

§ 8. Licenses granted as above shall not authorize any person or persons to, nor shall any person or persons publicly keep, sell, give away or dispose of any strong or spirituous liquors, wines, ale or beer on Sunday, or on any day upon which a general or special election or town meeting shall be held within one-quarter of a mile from the place where the same shall be held.

Not sell on Sunday or election day.

§ 9. The said Board of Excise shall keep a complete record of the names of all persons licensed as herein above provided, with a statement of the place licensed and license fee imposed and paid in each case, which record they shall at all times per-

Record of licenses to be kept.

mit to be seen in a convenient place at their principal headquarters in the City of New York.

Licensed persons to preserve order.

§ 10. Persons licensed as herein provided shall prevent, so far as is in their power, and shall at all events give immediate notice to the nearest sheriff, constable, officer or member of police, of all and every disturbance, disorder, or breach of the peace in any place which shall be so licensed, and shall forthwith cause all persons to be removed therefrom, and the place to be closed, and kept closed until quiet is restored.

Shall close if necessary.

No sales to minors or apprentices without consent.

§ 11. No person shall sell, give or dispose of any strong or spirituous liquors, wines, ale or beer to any apprentice or person under eighteen years of age, knowing or having reason to believe him to be such, without the consent, in the case of an apprentice, of his master or mistress, and in the case of a person under eighteen years of age, of his father, mother or guardian.

No sales to drunkards or intoxicated persons.

§ 12. No person shall sell, give, or dispose of, and no person licensed as herein provided, shall suffer any person for, under, or employed by him, to sell, give or dispose of any strong or spirituous liquors, wines, ale or beer to an habitual drunkard, or to any intoxicated person or persons then being under the influence of liquor.

Sales to wives, &c.

§ 13. No person licensed as herein provided shall, against the request of any wife, husband, parent or child, sell, give or dispose of any strong or spirituous liquors, wines, ale or beer to the husband of any such wife, wife of any such husband, parent of any such child, or child of any such parent.

Places closed Sundays and from midnight till sunrise.

§ 14. All persons licensed as herein provided shall keep the places at which they are so licensed to keep, sell, give and dispose of strong and spirituous liquors, wines, ale and beer, orderly and quiet, and between the hours of twelve o'clock at night and sunrise, and on Sundays, completely and effectually closed. Nothing herein contained shall be construed to prevent hotels from receiving and otherwise entertaining the travelling public upon Sundays, subject to the restrictions contained in this section.

Hotels on Sunday.

Unlicensed persons not to profess to sell.

§ 15. No person or persons except those licensed as herein provided, and those permitted to sell in quantities more than five gallons at a time, shall give out or profess to sell, or to have for sale, strong or spirituous liquors, wines, ale or beer, or shall have, permit, or continue in or about his or their premises any sign, notice or token that such liquors, wines, ale or beer are there

Signs.

kept for sale, or give notice or advertise that he or they have such liquors, wines, ale or beer for sale. Advertisements

§ 16. Every person who shall violate any of the foregoing provisions of this act, shall for each offence be guilty of a misdemeanor, and on conviction thereof, shall be punished with a fine of not less than thirty dollars, nor more than one hundred dollars, or with imprisonment for not less than ten days, nor more than thirty days, or by both such fine and imprisonment. Punishment for violation.

In addition thereto, every person who shall violate any of the foregoing provisions hereof shall be liable to a penalty of fifty dollars for each offence, recoverable in a civil action in the name of said Board of Excise, provided that any person or persons may complain to the President of such Board of Excise of any such offence; and, on the recovery by said Board of the penalty therefor, the said Board shall pay to the person or persons so first complaining, if not members of the Police Department, the one-half of the penalty so recovered; and said Board shall have authority to employ and pay attorney or attorneys to prosecute actions for the recovery of such penalties. Fine and imprisonment.

Penalty.

Attorney.

§ 17. No person who shall trust any person for any strong or spirituous liquors, wines, ale or beer, on a sale thereof in quantities less than five gallons, to be, or which shall be drunk, or used in the building, or in any building, yard, garden or enclosure communicating with, or in any public street, or place contiguous to the building in which the same shall be sold, can recover or compel payment therefor. No payment for sales on credit.

§ 18. Any conviction for violation of any of the foregoing provisions hereof, by any person or persons licensed, or at any place licensed, as herein provided, shall forfeit and annul such license. Conviction forfeits license.

§ 19. It shall be the duty of every sheriff, constable, policeman and officer of police to compel the observance, and to prevent the violation of the foregoing provisions hereof; if necessary, by summarily closing and keeping closed any places in which shall be violated any of such provisions. Police to enforce law.

May close places.

§ 20. Every sheriff, constable, officer or member of police shall forthwith arrest all persons who shall violate any of the provisions of this act, and carry such persons before any magistrate of the city or town in which the offence shall be committed, to be dealt with according to the provisions of this act. And it shall be the duty of every magistrate to entertain complaints for a Arrest without warrant.

Duty of magistrates.

violation of any of the provisions of this act made by any person under oath.

Intoxicated persons to be arrested.

§ 21. It shall be the duty of every sheriff, constable, officer or member of police to arrest any person who shall be intoxicated in the street, any public place or places where strong and spirituous liquors, wines, ale or beer are sold, publicly kept or disposed of, and to take him before any magistrate of the same city or town; and if such magistrate shall, after due examination, deem him too much intoxicated to be examined, or to answer on oath correctly, the magistrate shall cause him to be confined until he shall become sober, and then to be brought before the magistrate, who shall examine him on oath or affirmation as to the cause of such intoxication, and ascertain from him from whom he obtained the liquor he shall have drunk; but such examination shall not be used as evidence against such intoxicated person in any prosecution, civil or criminal, such intoxication being hereby declared to be an offence, punishable upon conviction by a fine of ten dollars and costs, and imprisonment until the same shall be paid, not exceeding ten days.

Magistrates to examine under oath.

Punishment for intoxication.

Board may revoke license.

§ 22. The said Board of Excise may at any time, and, upon the complaint of any resident of the said Metropolitan Police District, except in the County of Westchester, shall summon before them any person or persons licensed as aforesaid; and if they shall become satisfied that any such person or persons has or have violated any of the provisions of this act, they shall revoke, cancel and annul the licenses of such person or persons, which they are hereby empowered to do. Upon any inquiry the said Board, or the party complained of, may summon, and said Board may compel, the attendance of witnesses before them and examine them under oath.

May compel attendance of witnesses.

Disposition of license money and penalties.

§ 23. All license fees and penalties herein provided for shall be received by, and all fines herein provided for shall be paid over to the said Board, and shall be by them, after deducting therefrom the necessary expenses of collection, appropriated to, and to diminish the expenses of the Police Department of the said Metropolitan Police District, exclusive of the County of Westchester; provided that nothing herein contained shall divert from the State Inebriate Asylum such proportion of license fees as is now set apart for said institution by existing laws. The said Board shall annually report all sums so received by them, and

State Inebriate Asylum.

Board to report.



shall in like manner be paid to the treasurer of said Inebriates' Home of Kings county. The money herein directed to be paid to the treasurer of said Inebriates' Home, shall be so paid by all magistrates and courts shall monthly report and pay over to said Board all fines imposed and received by them.\*

Magistrates and courts to pay over.

Grand jurors to be charged.

§ 24. All courts having jurisdiction to try offences against the provisions of this act shall instruct and charge grand jurors to inquire into all such offences and to indict all offenders.

Persons selling in violation of the law liable for damages.

§ 25. Any person who shall sell any strong or spirituous liquors or wines to any of the individuals to whom it is declared by this act to be unlawful to make such sale, shall be liable for all damages which may be sustained in consequence of such sale, and the parties so offending may be sued in any court in this State by any individual sustaining such injuries, or by said Board of Health, and the sums recovered shall be for the benefit of the party injured.

Repealing clause.

§ 26. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed, so far as the same shall apply to the said Metropolitan Police District, except the County of Westchester.

§ 27. This act shall take effect immediately.

\* Amended, Laws of 1867, Chapter 470, Chapter 806, Section 6, Chapter 843, Section 4, Chapter 889, Chapter 926, Chapter 956, Section 16. See *post*.

# LAWS OF 1867.

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## CHAPTER 77.

AN ACT to fix the number necessary to form a quorum of the board of excise, in and for the Metropolitan police district of the State of New York, excepting and excluding the county of Westchester. Passed March 11, 1867.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Quorum.

Majority of  
board to concur.

SECTION 1. A majority of the board of excise in and for the Metropolitan Police District of the State of New York, excepting and excluding Westchester county, is hereby declared to be a quorum thereof, with power to do any and all business entrusted to said board. But no action or order shall be had or taken by the said board, unless at a meeting thereof, regularly called, there shall have been a vote thereon had and taken in which vote a majority of said board shall have concurred.

§ 2. This act shall take effect immediately.

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## CHAPTER 470.

AN ACT to amend an Act entitled "An Act to establish an Asylum for Inebriates in the City of New York, and provide for the government thereof," passed April 8th, eighteen hundred and sixty-four. Passed April 20, 1867, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners  
of charities and  
correction to re-  
ceive twelve per  
cent. of excise  
moneys.

SECTION 1. \* \* \* Said Commissioners [of Charities and Correction] are hereby authorized to receive from the Board of Excise, from time to time, twelve per cent. of the aggregate amount of moneys received in each and every year by said Board of Excise, from and after April first, eighteen hundred and sixty-seven, for license fees received for licenses granted in the city and county of New York, and said board on application

of the said commissioners, are hereby authorized and directed to pay over from time to time to said commissioners such per centage, which moneys shall be strictly applied by said commissioners to the building, maintenance and support of said asylum, and duly accounted for in their annual report. But nothing in this act contained shall be construed to divert from the State Inebriate Asylum, or interfere with the proportion of said license fees set apart for said institution by existing laws. The said commissioners are authorized to demand and receive all fines imposed for intoxication or disorderly conduct in the city of New York, which fines, without any deduction, shall be paid over monthly by the magistrate, clerk, or other person who receives the same, to the said commissioners, and shall be by them applied and accounted for as other moneys received by virtue of this act.

Also fines for  
intoxication,  
&c.

## CHAPTER 806.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for certain county purposes; to extend the powers of the Metropolitan Police, and to provide for the auditing and payment of unsettled claims against said county. Passed April 25th, 1867, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

\* \* \* SECTION 6. The Metropolitan Board of Health, created by the act chapter seventy-four of the laws of eighteen hundred and sixty-six, acting as the Board of Excise, as authorized by the act chapter five hundred and seventy-eight of the laws of eighteen hundred and sixty-six, is hereby authorized and directed, from and after the passage of this act, through the person acting as treasurer of the said Board of Excise, to pay over monthly to the Chamberlain of the City of New York, for the use of the Commissioners of the Sinking Fund of said city, and to be applied by said commissioners, as provided by law, for the redemption of the city debt, all license fees and fines which may be collected by the said Board of Excise in the county of New York, in pursuance of the act chapter five hundred and seventy-eight, before mentioned, after deducting therefrom twelve per

Excise money  
in New York to  
be paid commis-  
sioners of sink-  
ing fund.

How applied.

Deductions.

cent. of all such moneys received since the first day of April, eighteen hundred and sixty-seven, which are now provided by law to be paid annually to the Commissioners of Charities and Correction, and also deducting ten per cent. of all such moneys received prior to April first, eighteen hundred and sixty-eight, which ten per cent. shall be paid to the New York State Inebriate Asylum, at Binghamton, which said ten per cent. shall be paid to the said, The New York State Inebriate Asylum, as now required by law; provided that the trustees of the said asylum shall, within sixty days after the passage of this act, make and execute a conveyance to the State of New York, by deed, duly acknowledged and recorded, of all the real estate, with the buildings and improvements thereon, and appurtenances thereto, owned by said asylum in the County of Broome, in said State, which conveyance the said trustees are hereby empowered to make; and also deducting the necessary expenses and salaries incurred in collecting said fees, as authorized by law; and no portion of license fees and fines, except as above provided, shall be paid over to any commission or corporation. The treasurer of the Board of Excise shall receive for his compensation in collecting such license fees and fines the sum of one thousand five hundred dollars per year.

State Inebriate  
Asylum to be  
conveyed to  
State.

Expenses of  
collection de-  
ducted.

Salary of treas-  
urer.

## CHAPTER 843.

AN ACT to incorporate the Inebriates' Home for Kings County. Passed May 9th, 1867.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Twelve per  
cent. of excise  
money in  
Kings county  
to be paid to  
Inebriates'  
Home.

\* \* \* § 4. The Treasurer of the Board of Excise in and for the Metropolitan Police District of the State of New York, shall pay to the Treasurer of the said Inebriates' Home of Kings County, or his order, twelve per cent. of all the moneys hereafter received by said Board of Excise for licenses granted under said excise law to persons residing in the county of Kings, after all legal deductions therefrom, and deducting therefrom the proper proportion of the expenses of said board, and such sums as now or may hereafter be appropriated by law to other purposes. And all fines hereafter received by said board for violations of said excise law committed in said county of Kings,

Also fines.



shall in like manner be paid to the treasurer of said Inebriates' Home of Kings county. The money herein directed to be paid to the treasurer of said Inebriates' Home, shall be so paid by the treasurer of said Excise Board within thirty days after the receipt thereof by such board; which money shall be applied to the founding and maintenance of such Inebriates' Home, and for no other purpose.

## CHAPTER 889.

AN ACT providing for the application of moneys hereafter collected in the Metropolitan Excise District for certain fines and from licenses for the sale of liquors. Passed May 10th, 1867, three-fifths being present.

*The People of the State of New York, represented in Senate and Aseembly, do enact as follows:*

SECTION 1. From and after the first day of May, one thousand eight hundred and sixty-seven, the Treasurer of the Metropolitan Board of Excise shall pay over all sums received by him for licenses and fines, as follows:

Application of  
excise moneys  
in Brooklyn.

All such sums as are received for licenses granted in the city of Brooklyn, and for fines imposed for offences in said city, to the Commissioners of the Sinking Fund of the city of Brooklyn, to be applied by them without deduction to the extinction of the debt of said city; all such sums as may be received from the towns in the county of Richmond to the Commissioner of Common Schools in said county, to be by him apportioned among the several school districts in said county, rateably in proportion to the number of scholars attending school in each, and applied for the maintenance of the schools, and the erection and improvement of school buildings therein respectively; in the towns of Kings county, except the city of Brooklyn, to the Commissioner of Schools, the money received from each town to be apportioned by him among the several school districts in such town, in proportion to the number of scholars attending school in each district, and applied for school purposes; and in the towns of Queens county to the highest officer having the general charge of schools in said county, to be by him distributed in like proportion among the towns from which it is re-

In Richmond  
county.

In country  
towns of  
Kings.

In Queens  
county.

Deductions.

ceived, and to be applied for like purposes. But before paying over such sums the said treasurer shall deduct the proper proportion of the expenses of said board, and the ten per cent. now provided by law to be paid to the State Inebriate Asylum. He shall also deduct from the sums received from Brooklyn any sum now provided by law to be paid to the Inebriates' Home.

§ 2. This act shall take effect immediately.

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## CHAPTER 926.

AN ACT appropriating the excise fees and fines collected in the town of New Utrecht, to the use of Common Schools in that town. Passed May 16, 1867.

License fees  
and fines in  
New Utrecht to  
go to schools.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All license fees provided for by the act to regulate the sale of intoxicating liquors within the Metropolitan Police Department, of the State of New York, passed April sixteen, eighteen hundred and sixty-six, and all fines therein provided for which shall hereafter be received by the board of excise of the said Metropolitan police district, from the town of New Utrecht, in the County of Kings, shall, after deducting the necessary expenses of collection and the amounts otherwise provided by law, be paid over to the supervisor of the town, and shall be applied by him to the payment of the wages of the teachers of the different districts in proportion to the amount of scholars in each district in the said town.

§ 2. This act shall take effect immediately.

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